



The U.S. Department of Energy
TITLE IX COMPLIANCE REVIEW REPORT
Department of Electrical and Computer Engineering
Department of Civil and Environmental Engineering
Florida International University
Fiscal Year 2019

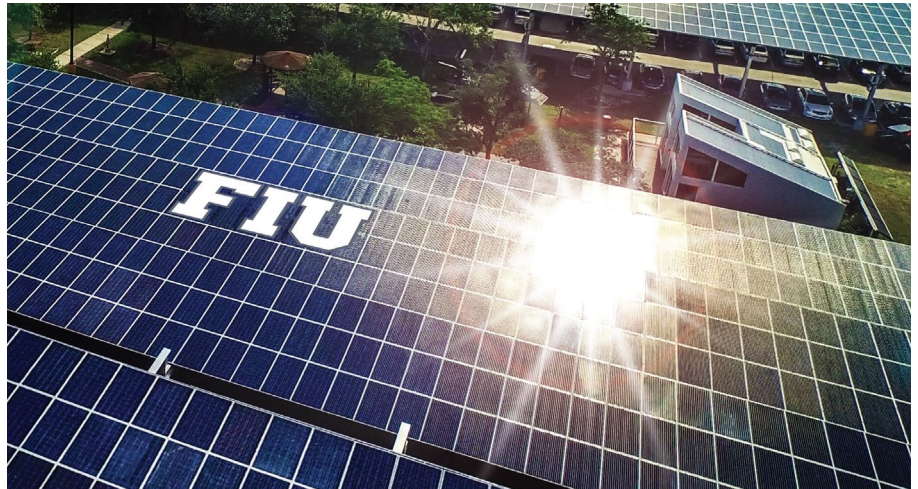


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TITLE IX COMPLIANCE REVIEW REPORT

Department of Civil and Environmental Engineering Department of Electrical and Computer Engineering Florida International University

I. Introduction

The Office of Civil Rights (OCR) of the U.S. Department of Energy (DOE), conducted a Title IX compliance review of Florida International University's (University or FIU) Department of Civil and Environmental Engineering (CEE) and the University's Department of Electrical and Computer Engineering (ECE), from academic year (AY) 2014-2015 to AY 2018-2019. OCR conducted an onsite review on February 20–21, 2019, pursuant to Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. Section 1681, *et seq.*, and DOE's implementing regulations at 10 C.F.R. Parts 1040 and 1042. This document constitutes a report of findings and is based on a review of records provided by the University, information obtained from the University's websites, and information obtained through interviews of students, faculty, and administrators of CEE's and ECE's graduate programs, the University's Title IX Coordinator, and other University administrative officials.

A. Background

DOE supports a diverse R&D portfolio at colleges, universities, and research institutions across the United States, providing funding to more than 300 institutions each year. The funding provided by DOE supports the work of thousands of principal investigators, graduate students, and post-doctoral researchers. During the three-year period preceding this review, DOE provided a total of \$10,324,623 in financial assistance to FIU, for the period FY 2016 through FY 2018.

Title IX and DOE's Title IX implementing regulations prohibit recipients of federal financial assistance, such as universities and colleges, from discriminating on the basis of sex in any of their educational programs or activities. 20 U.S.C. § 1681(a); 10 C.F.R. § 1042.100. In addition, DOE regulations require DOE to periodically conduct compliance reviews of recipients of DOE financial assistance to ensure compliance with Title IX's nondiscrimination requirements. 10 C.F.R. §§ 1040.101(a), 1042.605.

Additional statutory authority requiring DOE to conduct compliance reviews is found in the American COMPETES Act, Pub. L. No. 110-69, § 50101, 121 Stat. 572, 620 (2007), first enacted in 2007 and reauthorized in 2011. The Act states that DOE should: (1) implement the recommendations contained in a July 2004 Government Accountability Office (GAO) report titled, *Gender Issues: Women's Participation in Sciences has Increased, but Agencies Need to Do More to Ensure Compliance with Title IX*;¹ and (2) conduct at least two Title IX compliance reviews annually of recipients of DOE financial assistance.

B. Objective

The objective of the Title IX compliance review conducted at FIU's Department of Civil and Environmental Engineering and Department of Electrical and Computer Engineering was three-fold: (1) to determine whether male and female applicants and students have equal access to the opportunities and benefits of the Departments' graduate programs; (2) to determine whether CEE and ECE are in compliance with the

¹ The GAO report's primary recommendation was for the science agencies to ensure that compliance reviews of their grantees are periodically conducted.

requirements of Title IX and DOE's Title IX implementing regulations; and (3) to identify and document promising practices and governance pursued by the University, CEE, and ECE, with the goal of promoting equality among male and female students and applicants.

C. Scope

OCR elected to review CEE's and ECE's graduate programs from AY 2014-2015 to AY 2018-2019. To determine whether graduate applicants and students, regardless of their sex, had equal access to the Departments' opportunities and benefits, OCR evaluated the following areas and/or practices of CEE's and ECE's graduate programs: (1) recruitment and outreach efforts; (2) admissions data and policies, including student enrollment; (3) requirements for degree completion; (4) financial assistance opportunities and distributions; (5) leave of absence and re-admission policies; (6) academic climate and environment, including campus safety; and (7) family friendly initiatives.

To determine whether the University was in compliance with Title IX requirements, as well as DOE Title IX implementing regulations, OCR evaluated the following: (1) whether the University has properly designated a Title IX Coordinator; (2) whether the University has taken proactive steps to notify the campus community about its nondiscrimination policies related to Title IX; and (3) whether the University has adopted and published grievance procedures that provide for the prompt and equitable resolution of Title IX-related complaints, including sex discrimination and sexual harassment complaints.

To identify the University's potential promising practices, OCR evaluated the following: (1) any Title IX-related programs that exceeded the minimum requirements of Title IX and (2) areas where the University's efforts to promote gender equality were effective.

D. The Review Process

FIU was selected using neutral criteria, with the baseline criteria being that FIU is one of many higher education institutions receiving financial assistance from DOE. Additionally, DOE narrowed the institutions to be considered for review geographically to the southeast United States and eliminated institutions that had undergone a Title IX review in the past five years. An initial data request was sent to the University, and arrangements were made with the University's Title IX Coordinator for DOE's onsite visit.

OCR's site-visit team conducted its Title IX review on FIU's campus on February 20-21, 2019. OCR held an opening session with the following University administrators and representatives: the University President, the interim Vice President for Human Resources, the Title IX Coordinator, the Dean of the College of Electrical and Computer Engineering, the Chair of the Department of Electrical and Computer Engineering, the Chair of the Department of Civil and Environmental Engineering, the Assistant Director of Academic Services, and the University's General Counsel. At the opening session, OCR explained the purpose of and the process to be followed during the visit, as well as the legal and historical background of DOE's Title IX compliance reviews.

Over the course of the two-day compliance review, OCR interviewed eight University administrators, including the Title IX Coordinator. In addition, OCR interviewed a total of seventeen faculty members, seven males and ten females. The team also interviewed forty graduate students, twenty males and twenty females.

OCR issued an initial draft report to FIU, which contained the findings and recommendations below. OCR gave the University thirty days to address and correct one preliminary non-compliance, discussed below,

and sixty days to provide a response as to any steps the University has taken to implement or consider implementing OCR's recommendations. The University fully complied during this process, and OCR's final conclusions are contained in the *Findings, Recommendations, and Final Conclusions* section.

II. Civil and Environmental Engineering Department and Electrical and Computer Engineering Department

A. Civil and Environmental Engineering Department

CEE's graduate programs include two Master of Science degrees in Civil Engineering and Environmental Engineering, a PhD program in Civil Engineering, and a joint BS/MA degree.² For AY 2018-2019, CEE had an enrollment of approximately 117 graduate students, which includes approximately seventy doctoral students. CEE has twenty-eight faculty members, as well as several adjunct faculty and research associates.

B. Electrical and Computer Engineering Department

ECE's graduate program includes two Master of Science degrees in Computer Engineering, one of which is offered fully online, and one Master of Science degree in Electrical Engineering. ECE also offers a PhD program in Electrical and Computer Engineering, as well as a joint BS/MA degree.³ For AY 2018-2019, ECE had an enrollment of more than 200 graduate students, which includes more than 100 doctoral students. ECE has thirty-nine faculty members, as well as several adjunct faculty and research associates.

C. The University Graduate School at FIU

The University Graduate School (UGS) provides information and resources to applicants interested in graduate education programs at FIU, which offers more than 120 graduate degree programs and has a graduate student population of approximately 8,000 students. One administrator described UGS as decentralized and said the University gives discretion to each program to implement their own policies, including recruitment policies.

III. Recruitment, Outreach, and Retention

Title IX and DOE implementing regulations prohibit recipients from discriminating based on sex in their recruitment efforts. 10 C.F.R. § 1042.310. However, recipients may choose to undertake affirmative action pursuant to 10 C.F.R. § 1042.110(b), which states that in the absence of a finding of discrimination based on sex, a recipient may take affirmative action consistent with law to overcome the effects of conditions that resulted in limited participation by persons of a particular sex.

A. CEE's Recruitment, Outreach, and Retention Efforts

From AY 2014-2015 to AY 2018-2019, CEE took the following actions to recruit graduate students:

- CEE faculty traveled to institutions to provide an overview of CEE's active research areas;
- CEE participated in the University Graduate School's recruitment programs;
- CEE developed promotional materials and distributed them at various events;

² OCR did not evaluate data regarding CEE's joint BS/MA program.

³ OCR did not evaluate data regarding ECE's joint BS/MA program.

- CEE faculty traveled to Latin America to visit targeted, top-level universities for recruiting and developing joint graduate degree programs;
- CEE's federally funded centers (Wall of Wind and Accelerated Bridge Construction-University Transportation Center) developed significant promotional materials to recruit graduate students;
- CEE organized an annual research day to expose CEE undergraduate students to existing research opportunities and educate them on the importance of pursuing a graduate degree in civil and environmental engineering.

CEE does not collect information on the sex of participants in the Department's recruitment programs. Nor do any of the Departments in FIU's College of Engineering and Computing.

CEE emphasized that it recruits students from regions and countries outside the United States, including Latin America and China. CEE provided the examples below of its international recruitment efforts. CEE did not provide specific examples of its international recruitment efforts for AY 2014-2015, AY 2015-2016, or AY 2016-2017.

In AY 2017-2018, the Chair of the Civil and Environmental Engineering Department (the Chair of CEE), along with two other CEE faculty members, visited universities in Brazil, Peru, and China. CEE specifically attempts to reach recruiting agreements with international universities. For example, the Chair of CEE met with Universidad Peruana de Ciencias Aplicadas (UPC) in Peru to establish a "pipeline agreement" whereby UPC identifies eligible students and encourages them to pursue a graduate degree in civil engineering from FIU. FIU and UPC are in the process of finalizing the agreement, and the first cohort of UPC graduates are expected to join FIU in either spring or fall 2019. CEE is also in the process of attempting to implement a joint Bachelor of Science degree program with Beijing University of Technology, in Beijing, China.

In AY 2018-2019, the Chair of CEE and another faculty member traveled to Colombia to attempt to reach similar recruiting agreements.

Below are the total number of applicants, from AY 2014-2015 to AY 2018-2019, to CEE's Master's and doctoral programs.

AY 2014-2015			
Degree Level Sought	Male	Female	2014-2015 Total
Master's	106	31	137
Doctorate	56	17	73

Highlights: In AY 2014-2015, males were 77.4% of applicants to the Master's program and females were 22.6%; males were 76.7% of applicants to the PhD program and females were 23.3%.

AY 2015-2016			
Degree Level Sought	Male	Female	2015-2016 Total
Master's	111	42	153
Doctorate	53	20	73

Highlights: In AY 2015-2016, males were 72.5% of applicants to the Master's program and females were 27.5%; males were 72.6% of applicants to the PhD program and females were 27.4%.

AY 2016-2017			
Degree Level Sought	Male	Female	2015-2016 Total
Master's	104	40	144
Doctorate	52	10	62

Highlights: In AY 2016-2017, males were 72.2% of applicants to the Master's program and females were 27.8%; males were 83.9% of applicants to the PhD program and females were 16.1%.

AY 2017-2018			
Degree Level Sought	Male	Female	2015-2016 Total
Master's	105	39	144
Doctorate	60	22	82

Highlights: In AY 2017-2018, males were 72.9% of applicants to the Master's program and females were 27.1%; males were 73.2% of applicants to the PhD program and females were 26.8%.

AY 2018-2019			
Degree Level Sought	Male	Female	2015-2016 Total
Master's	89	33	122
Doctorate	68	22	90

Highlights: In AY 2018-2019, males were 73% of applicants to the Master's program and females were 27%; males were 75.6% of applicants to the PhD program and females were 24.4%.

Analytical Overview of CEE's Application Data from AY 2014-2015 to AY 2018-2019:

As to CEE's Master's program, there was a large disparity between the number of male and female applicants from AY 2014-2015 to AY 2018-2019. For every academic year reviewed, females constituted less than a third of applicants to the program. During the relevant time period, the percentage of female applicants increased by nearly 5%, from AY 2014-2015 to AY 2015-2016 and has remained steady, between 27% and 28%, from AY 2015-2016 to AY 2018-2019. The rate of male Master's applicants followed the reverse trend.

As to CEE's PhD program, there was a large disparity between the number of male and female applicants from AY 2014-2015 to AY 2018-2019. During every academic year reviewed, females constituted well below a third, and sometimes less than a quarter, of total applicants to the program. During the relevant time period, the number of female PhD applicants to CEE has fluctuated. The percentage of female PhD applicants to CEE increased by nearly 4% from AY 2014-2015 to AY 2015-2016, but then dropped by about 11 and 1/2 percent from AY 2015-2016 to AY 2016-2017. From AY 2016-2017 to AY 2017-2018, the percentage of female applicants increased by nearly 11% and dropped slightly from AY 2017-2018 to AY 2018-2019 by about 2 percent. In AY 2018-2019, the percentage of female PhD applicants dropped slightly and is about 1 percent higher than it was in AY 2014-2015. The rate of male PhD applicants followed the reverse trend.

As CEE does not track the sex of students who participate in its recruitment programs, OCR is unable to determine how or whether CEE's recruitment efforts may have affected the above-referenced rates at which males and females apply to CEE's graduate programs.

CEE's Strategic Plan for AY 2017-2022 and CEE's Diversity and Inclusion Plan for AY 2018-2019

CEE's Strategic Plan for AY 2017-2022 includes strategies for diversifying the student body's background, nationality, ethnicity, and race. The strategic plan also includes a goal of increasing the number of female engineers by fifty percent over the next five years, but the Plan did not include an action plan for how to achieve this increase. However, CEE's proposed Diversity and Inclusion Plan for AY 2018-2019 states that one of CEE's priorities is developing a "specific, proactive plan" to recruit women and

underrepresented minority graduate students by prioritizing travel funds. Another priority is setting aside funds for female and minority graduate student recruitment and informing such students of awards. The Diversity and Inclusion Plan also states that CEE will prioritize evaluating the gender and racial/ethnic diversity of graduate students and develop a plan by spring 2019, and the plan's progress will be evaluated annually thereafter.

CEE's Student Retention Measured Through Drop-Out Rates

Academic Year	Program	Male enrollees	Males who dropped out	Female enrollees	Females who dropped out
2014-2015	Master's	46	5	20	3
	Doctorate	53	3	25	0
2015-2016	Master's	36	6	18	1
	Doctorate	53	1	24	0
2016-2017	Master's	32	0	24	1
	Doctorate	47	3	23	1
2017-2018	Master's	38	4	22	0
	Doctorate	39	2	25	0
2018-2019	Master's	29	2	20	0
	Doctorate	47	1	21	0

Analytical Overview of CEE's Student Dropout Data from AY 2014-2015 to AY 2018-2019:

In both CEE's Master's and PhD programs, females generally dropped out at lower rates in terms of absolute numbers (i.e. the total number of females who dropped out compared to the total number of males who dropped out) and relative numbers (i.e. the percentage of females who dropped out within the female student population compared to the percentage of males who dropped out within the male student population) from AY 2014-2015 to AY 2018-2019. Although there is a disparity in the rate of applications among females and males, it appears that once females are accepted and enrolled, they generally remain in CEE's graduate programs.

Master's Program

In AY 2014-2015 and AY 2016-2017, females dropped out at higher rates than males, but in the remaining academic years, females dropped out at lower rates than males. From AY 2014-2015 to AY 2018-2019, female dropout rates have consecutively declined each academic year, from a dropout rate of 15% in AY 2014-2015 to no female dropouts in AY 2017-2018 and AY 2018-2019. Male dropout rates, on the other hand, have fluctuated, with no clear pattern. In AY 2014-2015, 10.9% of male enrollees dropped out, and that rate increased to 16.7% in AY 2015-2016. In AY 2016-2017, no male enrollees dropped out, but in AY 2017-2018, 10.5% of male enrollees dropped out. In AY 2018-2019, 6.9% of male enrollees dropped out.

PhD Program

Generally, dropout rates in CEE are low, and females dropped out at lower rates than males. Save for AY 2016-2017, during which 4.3% of female enrollees dropped out, no female enrollees dropped out from AY 2014-2015 to AY 2018-2019. From AY 2014-2015 to AY 2018-2019, male dropout rates fluctuated slightly but were also low, ranging from a low of 1.9% in AY 2015-2016 to a high of 6.4% in AY 2016-2017.

B. Finding for CEE

OCR finds that CEE's recruitment and outreach efforts comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations. While OCR found no direct evidence of discrimination based on sex in CEE's recruitment and outreach efforts, OCR notes the large disparity between male and female applicants to CEE's graduate programs. However, because CEE does not track the sex of the students it encounters during its recruitment and outreach efforts, OCR cannot assess whether there are any gender-related barriers in CEE's recruitment and outreach efforts.

C. Recommendations for CEE

- OCR strongly recommends that CEE consider tracking the gender of the students who participate in CEE's recruitment programs to ensure that there are no gender-related barriers in its domestic or international recruitment efforts. In light of CEE's heavy international recruitment efforts, OCR also suggests that CEE ensure that its recruiting and pipeline agreements with international universities include a provision that the sex of students who participate in such programs will be tracked.
- OCR commends CEE for developing a Strategic Plan and a Diversity and Inclusion Plan that include increasing recruitment of female applicants. However, OCR recommends that CEE consider developing more concrete methods for achieving this goal, such as identifying specific conferences or events at which CEE could make significant efforts toward recruiting female applicants.

D. ECE's Outreach, Recruitment, and Retention Efforts

Since AY 2014-2015, the Chair of ECE has served as the principal investigator on a grant from the National Science Foundation, the Bridge to the Doctorate Program, which is focused on increasing racial and ethnic diversity in FIU's graduate and doctoral programs in all areas of STEM. Two high level administrators run the Florida Georgia Louis Stokes Alliance for Minority Program (FGLSAMP), which identifies and recruits graduate students. ECE also recruits FIU undergraduate students to participate in the FGLSAMP. Additionally, ECE works with the University Graduate School to organize graduate application seminars, fellowship panels, and admission workshops to attract applicants from FIU's campus who want to pursue doctoral study as FGLSAMP fellows.

ECE does not track the sex of participants in its recruitment efforts.

ECE described its outreach and recruitment efforts as a combination of (1) promoting its programs through FIU online, (2) placing online advertisements, which it began doing in AY 2016-2017, and (3) using ECE's website to invite students to apply online.

ECE faculty also visit campuses to give research talks during Department seminars to promote FIU graduate programs. Similar to CEE, ECE's recruiting travel also targets Latin America (Argentina, Brazil, Chile, Columbia, and Mexico) and Asia (China, India, and Taiwan). ECE also attempts to build pipeline agreements with universities in target countries. ECE noted that its programs are also listed in recruiting agreements that FIU has with global recruiters.

ECE relies on FIU Online, the University's online learning portal, to market and recruit students for ECE's online-based Master's program, a Master of Science in Computer Engineering in Network Security, which launched in spring 2015.

ECE anticipates that total enrollment in the PhD program will be 385 students in fall 2020. ECE explained that this growth will be accomplished through a coordinated recruiting effort among the entire College of Engineering, which includes coordinating marketing materials for all programs to ensure consistency and coordinating travel for recruiting to avoid duplication. The Engineering College will also continue to attend open house events and various professional conferences, such as the Society of Women in Engineering, National Society of Black Engineers, and the Society of Professional Hispanic Engineers.

ECE has requested \$4,000 per graduate program to engage in the following proposed activities: advertising online (e.g. Facebook and LinkedIn), attending conferences, and traveling abroad; mailing and emailing ECE promotional materials to 300 domestic and international schools; partially funding cost of recruitment travel to China, India, and Taiwan; and hosting international professors to inform them about FIU's programs and build pipeline agreements with their respective institutions.

Below are the total number of applicants, from AY 2014-2015 to AY 2018-2019, to ECE's Master's and doctoral programs.

AY 2014-2015			
Degree Level Sought	Male	Female	2015-2016 Total
Master's	275	81	356
Doctorate	89	18	107

Highlights:

In AY 2014-2015, males were 77.2% of applicants to the Master's program and females were 22.8%; males were 83.2% of applicants to the PhD program and females were 16.8%.

AY 2015-2016			
Degree Level Sought	Male	Female	2015-2016 Total
Master's	309	70	379
Doctorate	103	23	126

Highlights:

In AY 2015-2016, males were 81.5% of applicants to the Master's program and females were 18.5%; males were 81.7% of applicants to the PhD program and females were 18.3%.

AY 2016-2017			
Degree Level Sought	Male	Female	2015-2016 Total
Master's	259	60	319
Doctorate	71	26	97

Highlights:

In AY 2016-2017, males were 81.2% of applicants to the Master's program and females were 18.8% of the applicant pool; males were 73.2% of applicants to the PhD program and females were 26.8% of the applicant pool

AY 2017-2018			
Degree Level Sought	Male	Female	2015-2016 Total
Master's	185	46	231
Doctorate	96	21	117

Highlights:

In AY 2017-2018, males were 80.1% of applicants to the Master's program and females were 19.9%; males were 82.1% of applicants to the PhD program and females were 17.9%.

AY 2018-2019			
Degree Level Sought	Male	Female	2015-2016 Total
Master's	143	39	182
Doctorate	123	22	145

Highlights:

In AY 2017-2018, males were 78.6% of applicants to the Master's program and females were 21.4%; males were 84.8% of applicants to the PhD program and females were 15.2%.

Analytical Overview of ECE's Application Data from AY 2014-2015 to AY 2018-2019:

As to ECE's Master's program, there was a large disparity between the number of male and female applicants from AY 2014-2016 to AY 2018-2019. For every academic year reviewed, females constituted approximately one fifth of applicants to the program. In AY 2014-2015, females were 22.8% of applicants, and in AY 2015-2016 that rate dropped to 18.5%, after which time was a gradual upward trend of female applicants, from 18.8% in AY 2016-2017 to 21.4% in AY 2018-2019. The rate of male Master's applicants followed the reverse trend.

As to ECE's PhD program, there was a large disparity between the number of male and female applicants from AY 2014-2015 to AY 2018-2019. For every academic year reviewed, save for AY 2016-2017 in which females comprised 26.8% of the applicant pool, females constituted less than a fifth of applicants to the program. Although there was a slight increase in female applicants from AY 2014-2015 to AY 2016-2017, there has been a gradual decline in female applicants from 18.3% of applicants in AY 2015-2016 to 15.2% in AY 2018-2019. The rate of male PhD applicants followed the reverse trend.

As ECE does not track the sex of students who participate in its recruitment programs, OCR is unable to determine how or whether CEE's recruitment efforts have affected the above-referenced rates at which males and females apply to CEE's graduate programs.

ECE's Student Retention Measured Through Drop-Out Rates

Academic Year	Program	Male enrollees	Males who dropped out	Female enrollees	Females who dropped out
2014-2015	Master's	94	13	15	1
	Doctorate	67	6	22	0
2015-2016	Master's	110	15	23	0
	Doctorate	72	4	18	2
2016-2017	Master's	112	21	18	1
	Doctorate	77	4	21	1
2017-2018	Master's	86	22	13	1
	Doctorate	72	3	25	1
2018-2019	Master's	71	12	19	3
	Doctorate	88	2	26	0

Analytical Overview of ECE's Student Dropout Data from AY 2014-2015 to AY 2018-2019:

Master's Program

As to ECE's Master's program, during the relevant timeframe, females generally dropped out of the Master's program at lower rates than males, in terms of absolute and relative numbers. From AY 2014-2015 to AY 2017-2018, the rate of female dropouts remained fairly low, ranging from 0% to 7.7%. In AY 2018-2019, the rate of female dropouts increased to 15.8%. From AY 2014-2015 to AY 2015-2016, the rate of male dropouts remained steady, around 13.7%. In AY 2016-2017, the rate of male dropouts increased to 18.8% and continued to increase to 25.6% in AY 2017-2018. In AY 2018-2019, the rate of male dropouts decreased to 16.9%.

As to ECE's PhD program, during the relevant timeframe, females generally dropped out at similar or lower rates than males. In AY 2014-2015, no females dropped out, and in AY 2015-2016, the rate of female dropouts increased to 11.1%. From AY 2016-2017 to AY 2017-2018, the rate of female dropouts remained steady, at 4.8% and 4.0%, respectively. In AY 2018-2019, no female enrollees dropped out. The overall male dropout rate has decreased from AY 2014-2015 to AY 2018-2019. In AY 2014-2015, 9.0% of male enrollees dropped out. From AY 2015-2016 to AY 2016-2017, the male dropout rate decreased to 5.6% and 5.2%, respectively. In AY 2017-2018, the male dropout rate continued to decline to 4.2%, reaching an all-time low during the relevant time period of 2.3% in AY 2018-2019.

E. Finding for ECE

DOE finds that ECE's recruitment and outreach efforts comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations. Although DOE found no direct evidence of discrimination based on sex in ECE's recruitment and outreach efforts, OCR notes the large disparity between male and female applicants to ECE's graduate programs. Because ECE does not track the sex of students it encounters during its recruitment and outreach efforts, OCR cannot assess whether there are any gender-related barriers in ECE's recruitment efforts.

F. Recommendation for ECE

- OCR strongly recommends that ECE consider tracking the gender of the students who participate in ECE's recruitment programs to ensure that there are no gender-related barriers in its domestic or international recruitment efforts. In light of ECE's heavy international recruitment efforts, OCR also recommends that ECE ensure that its recruiting and pipeline agreements with international universities include a provision that the sex of students who participate in such programs will be tracked.
- ECE should consider developing a strategic plan, similar to CEE's, that contains a concrete action plan to increase female applicants.

IV. Admissions

DOE Title IX implementing regulations prohibit recipients of financial assistance from discriminating on the basis of sex in the admission of applicants. 10 C.F.R. § 1042.300. In determining whether a person satisfies a criterion for admission, or in making any offer of admission, recipients are prohibited from the following: giving preference to one person over another on the basis of sex, applying numerical limitations upon the number or proportion of persons of either sex who may be admitted, or otherwise treating one individual differently from another on the basis of sex. 10 C.F.R. § 1042.300(b)(1)(i)-(iii). Moreover, recipients are prohibited from administering any test or other criterion

for admission that has a disproportionately adverse effect on persons on the basis of sex, unless the use of such test or criterion is shown to validly predict success in the education program or activity in question and alternative tests or criteria that do not have such a disproportionately adverse effect are shown to be unavailable. 10 C.F.R. § 1042.300(b)(2).

A. Admissions Process

CEE and ECE follow the University Graduate School's admission policy⁴ and use FIU's standard graduate application form. The standard application form is six pages and requests applicants' personal information, including gender, educational history, recommendations, and housing preference. Graduate school applicants must apply online at FIU's admission's website⁵ and pay a non-refundable application fee of \$30.

Neither CEE nor ECE has a separate graduate admissions policy or procedure. The UGS's admission policy includes minimum requirements for admission into graduate programs, which are (1) possessing a bachelor's degree from a regionally accredited institution, or in the case of foreign students, from a well established institution of higher learning that is authorized to grant degrees by appropriate authorities in that country, (2) submitting official transcripts, test scores, and other supporting documents to FIU's graduate admissions office, and (3) in the absence of specific admission requirements, achieving a minimum of a "B" average in the last 60 credits of upper level work, or a graduate degree from an accredited institution. An academic department or program may make an exception to admission standards for an applicant who fails to meet admission criteria.

The Graduate Program Director reaches final decisions regarding CEE's Master of Science applicants. The Graduate Program Advisory Committee (GPAC), which is led by the Graduate Program Director, reaches final decisions regarding CEE's PhD applicants. From AY 2014-2015 to AY 2017-2018, the GPAC was composed of five professors, only one of whom was female. In AY 2018-2019, one male professor joined the GPAC.

Final selection of CEE graduate students is based on the expressed intent of a faculty member to mentor the applicant through the degree program and to commit full financial sponsorship, unless the applicant has demonstrated other financial sponsorship, including self-support. The Chair of the Department may chose a few qualified applicants to receive financial support from limited university Teaching Assistant allocations based on CEE's curricular and strategic needs.

ECE's graduate admission for PhD applicants is decided by all faculty, who collectively serve as a graduate admission committee.⁶ Faculty receive applicants' files and recommend applicants whom they are willing to advise and support for admission. The two persons who oversee this process are male.

The Engineering Department as a whole, including CEE and ECE, does not have a specific, detailed system for ranking applicants for admission to its graduate programs. All applicants to CEE's and ECE's graduate

⁴ Available at https://catalog.fiu.edu/2018_2019/graduate/Admission_and_Registration_Information/Graduate_Admissions.pdf

⁵ Available at <http://gradschool.fiu.edu/admissions.shtml>

⁶ ECE did not provide information related to its admissions process for its Master's programs.

programs must meet both the general university and the Graduate Program admission criteria for consideration by either tenured and/or tenured-track faculty members

B. Admissions Data

i. CEE's Admissions Data

AY 2014-2015							
Number of Applicants				Number of Admitted Applicants			
Degree Level Sought	Male	Female	AY 2014-2015 Total	Degree Level Sought	Male	Female	AY 2014-2015 Total
Master's	106	31	137	Master's	43	11	54
Doctorate	56	17	73	Doctorate	14	9	23

Highlights:

In AY 2014-2015, males were 77.4% of the applicant pool for the Master's program and 79.6% of those admitted; females were 22.6% of the applicant pool and 20.4% of those admitted.

In AY 2014-2015, males were 76.7% of the applicant pool for the PhD program and 60.9% of those admitted; females were 23.3% of the applicant pool and 39.1% of those admitted.

AY 2015-2016							
Number of Applicants				Number of Admitted Applicants			
Degree Level Sought	Male	Female	AY 2015-2016 Total	Degree Level Sought	Male	Female	AY 2015-2016 Total
Master's	111	42	153	Master's	45	19	64
Doctorate	53	20	73	Doctorate	17	6	23

Highlights:

In AY 2015-2016, males were 72.5% of the applicant pool for the Master's program and 70.3% of those admitted; females were 27.5% of the applicant pool and 29.7% of those admitted.

In AY 2015-2016, males were 72.6% of the applicant pool for the PhD program and 73.9% of those admitted; females were 27.4% of the applicant pool and 26.1% of those admitted.

AY 2016-2017							
Number of Applicants				Number of Admitted Applicants			
Degree Level Sought	Male	Female	AY 2016-2017 Total	Degree Level Sought	Male	Female	AY 2016-2017 Total
Master's	104	40	144	Master's	35	21	56
Doctorate	52	10	62	Doctorate	21	5	26

Highlights:

In AY 2016-2017, males were 72.2% of the applicant pool for the Master's program and 62.5% of those admitted; females were 27.8% of the applicant pool and 37.5% of those admitted.

In AY 2016-2017, males were 83.9% of the applicant pool for the PhD program and 80.8% of those admitted; females were 16.1% of the applicant pool and 19.2% of those admitted.

AY 2017-2018							
Number of Applicants				Number of Admitted Applicants			
Degree Level Sought	Male	Female	AY 2017-2018 Total	Degree Level Sought	Male	Female	AY 2017-2018 Total
Master's	105	39	144	Master's	37	15	52
Doctorate	60	22	82	Doctorate	23	11	34

Highlights:

In AY 2017-2018, males were 72.9% of the applicant pool for the Master's program and 71.2% of those admitted; females were 27.1% of the applicant pool and 28.8% of those admitted.

In AY 2017-2018, males were 73.2% of the applicant pool for the PhD program and 67.6% of those admitted; females were 26.8% of the applicant pool and 32.4% of those admitted.

AY 2018-2019							
Number of Applicants				Number of Admitted Applicants			
Degree Level Sought	Male	Female	AY 2018-2019 Total	Degree Level Sought	Male	Female	AY 2018-2019 Total
Master's	89	33	122	Master's	34	17	51
Doctorate	68	22	90	Doctorate	36	14	50

Highlights:

In AY 2018-2019, males were 73% of the applicant pool for the Master's program and 66.7% of those admitted; females were 27% of the applicant pool and 33.3% of those admitted.

In AY 2018-2019, males were 75.6% of the applicant pool for the PhD program and 72% of those admitted; females were 24.4% of the applicant pool and 28% of those admitted.

Analytical Overview of CEE's Admission Data from AY 2014-2015 to AY 2018-2019:

Master's Program

As to CEE's Master's program, from AY 2014-2015 to AY 2018-2019, there was a large disparity between the absolute number of admitted male and female applicants. For every academic year reviewed, save for AY 2016-2017 in which females were 37.5% of admitted students, females were less than one third of admitted students. However, the absolute number of females admitted to CEE's Master's program steadily increased from 20.4% in AY 2014-2015 to a high during the relevant time period of 37.5% in AY 2016-2017. In AY 2017-2018, the percentage of admitted females dropped to 28.8% but rose to 33.3% in AY 2018-2019. Male admission rates followed the reverse trend.

In analyzing the rates at which males and females were admitted in relation to their percentage of the applicant pool, the following trend is observed in CEE's Master's program. For every year except AY 2014-2015, females were admitted at higher rates than their percentage of the total applicant pool. In AY 2015-2016, females were 27.5% of the applicant pool and 29.7% of those admitted. In AY 2016-2017,

females were 27.8% of the applicant pool and 37.5% of those admitted. In AY 2017-2018, females were 27.1% of the applicant pool and 28.8% of those admitted. In AY 2018-2019, females were 27% of the applicant pool and 33.3% of those admitted. Male admission rates followed the reverse trend.

PhD Program

As to CEE's PhD program, from AY 2014-2015 to AY 2018-2019, there was a large disparity between the absolute number of admitted male and female applicants. The highest absolute number of admitted females occurred in AY 2014-2015 at 39.1%, after which time the number of admitted females steadily declined until AY 2016-2017, reaching a low for the relevant time period of 19.2%. In AY 2017-2018, the percentage of females admitted to CEE increased significantly to 32.4% but declined by about four percentage points in AY 2018-2019. Although the number of admitted females increased in AY 2016-2017, it once again decreased in AY 2017-2018. Male admission rates followed the reverse trend.

In analyzing the rates at which males and females were admitted in relation to their percentage of the applicant pool, the following trend is observed in CEE's PhD program. For every year except AY 2015-2016, females were admitted at higher rates than their percentage of the total applicant pool. For instance, in AY 2014-2015, females were only 23.3% of the applicant pool but were 39.1% of those admitted. In AY 2016-2017, females were 16.1% of the applicant pool and 19.2% of those admitted. In AY 2017-2018, females were 26.8% of the applicant pool and 32.4% of those admitted, and in AY 2018-2019, females were 24.4% of the applicant pool and 28% of those admitted. Male admission rates followed the reverse trend.

ii. CEE's Enrollment Rates

AY 2014-2015							
Number of Admitted Applicants				Number of Admitted Applicants Who Enrolled			
Degree Level Sought	Male	Female	AY 2014-2015 Total	Degree Level Sought	Male	Female	AY 2014-2015 Total
Master's	43	11	54	Master's	16	3	19
Doctorate	14	9	23	Doctorate	3	6	9

Highlights:

In AY 2014-2015, males were 79.6% of those admitted into the Master's program and 84.2% of those enrolled; females were 20.4% of those admitted and 15.8% of those enrolled.

In AY 2014-2015, males were 60.9% of those admitted into the PhD program and 33.3% of those enrolled; females were 39.1% of those admitted and 66.7% of those enrolled.

AY 2015-2016							
Number of Admitted Applicants				Number of Admitted Applicants Who Enrolled			
Degree Level Sought	Male	Female	AY 2015-2016 Total	Degree Level Sought	Male	Female	AY 2015-2016 Total
Master's	45	19	64	Master's	14	6	20
Doctorate	17	6	23	Doctorate	7	4	11

Highlights:

In AY 2015-2016, males were 70.3% of those admitted into the Master's program and 70% of those enrolled; females were 29.7% of those admitted and 30% of those enrolled.

In AY 2015-2016, males were 73.9% of those admitted into the PhD program and 63.6% of those enrolled; females were 26.1% of those admitted and 36.4% of those enrolled.

AY 2016-2017							
Number of Admitted Applicants				Number of Admitted Applicants Who Enrolled			
Degree Level Sought	Male	Female	AY 2016-2017 Total	Degree Level Sought	Male	Female	AY 2016-2017 Total
Master's	35	21	56	Master's	15	13	28
Doctorate	21	5	26	Doctorate	7	4	11

Highlights:

In AY 2016-2017, males were 62.5% of those admitted into the Master's program and 53.6% of those enrolled; females were 37.5% of those admitted and 46.4% of those enrolled.

In AY 2016-2017, males were 80.8% of those admitted into the PhD program and 63.6% of those enrolled; females were 19.2% of those admitted and 36.4% of those enrolled.

AY 2017-2018							
Number of Admitted Applicants				Number of Admitted Applicants Who Enrolled			
Degree Level Sought	Male	Female	AY 2017-2018 Total	Degree Level Sought	Male	Female	AY 2017-2018 Total
Master's	37	15	52	Master's	20	8	28
Doctorate	23	11	34	Doctorate	11	6	17

Highlights:

In AY 2017-2018, males were 71.2% of those admitted into the Master's program and 71.4% of those enrolled; females were 28.8% of those admitted and 28.6% of those enrolled.

In AY 2017-2018, males were 67.6% of those admitted into the PhD program and 64.7% of those enrolled; females were 32.4% of those admitted and 35.3% of those enrolled.

AY 2018-2019							
Number of Admitted Applicants				Number of Admitted Applicants Who Enrolled			
Degree Level Sought	Male	Female	AY 2018-2019 Total	Degree Level Sought	Male	Female	AY 2018-2019 Total
Master's	34	17	51	Master's	8	5	13
Doctorate	36	14	50	Doctorate	14	1	15

Highlights:

In AY 2018-2019, males were 66.7% of those admitted into the Master's program and 61.5% of those enrolled; females were 33.3% of those admitted and 38.5% of those enrolled.

In AY 2018-2019, males were 72% of those admitted into the PhD program and 93.3% of those enrolled; females were 28% of those admitted and 6.7% of those enrolled.

CEE's Part- and Full-Time Graduate Student Enrollment (Master's and PhD) Compared to National Averages

Academic Year	Number of Part- and Full-Time Graduate Enrollees		
	Male	Female	Total
2014-2015	99	45	144
2015-2016	89	42	131
2016-2017	79	47	126
2017-2018	77	47	124
2018-2019	76	41	117

Highlights:

In AY 2014-2015, males were 68.8% of graduate enrollees, and females were 31.2%.

In AY 2015-2016, males were 67.9% of graduate enrollees, and females were 32.1%.

In AY 2016-2017, males were 62.7% of graduate enrollees, and females were 37.3%.

National Averages of Total Enrollees in Civil and Environmental Engineering⁷

In AY 2014-2015, males were 70.7% of graduate enrollees and females were 29.3%.

In AY 2015-2016, males were 70.6% of graduate enrollees and females were 29.4%.

In AY 2016-2017, males were 69.9% of graduate enrollees and females were 30.1%.

Analytical Overview of CEE's Enrollment Data from AY 2014-2015 to AY 2018-2019:

In AY 2014-2015 and AY 2015-2016, CEE's rate of total female part- and full-time graduate enrollees was slightly above the national average, and in AY 2016-2017, that rate was well above the national average.⁸

Master's program

As to CEE's Master's program, from AY 2014-2015 to AY 2018-2019, there was a large disparity between the absolute number of male and female admitted students who enrolled. However, female enrollment

⁷ National averages of graduate student enrollees were obtained from the National Science Foundation (NSF), National Center for Science and Engineering Statistics, Graduate Students and Post-doctorates in Science and Engineering Survey, *available at* <https://ncesdata.nsf.gov/ids/gss>. As of the date of the instant report, NSF has not yet released data for AY 2017-2018 and AY 2018-2019.

⁸ OCR notes that CEE's comparison to national averages is merely one of many data points to assess in determining whether any gender-related barriers exist in CEE's programs and/or policies.

steadily increased from an all-time low of 15.8% of those enrolled in AY 2014-2015 to an all-time high, during the relevant time period, of 46.4% of those enrolled in AY 2016-2017. Beginning in AY 2017-2018, female enrollment dropped significantly to 28.6% of those enrolled, and increased to 38.5% of those enrolled in AY 2018-2019. Male enrollment in the Master's program followed the reverse trend.

In analyzing the rates at which males and females enrolled in relation to their percentage of admitted students, the following trend is observed in CEE's Master's program. Females generally enrolled at slightly higher rates than they were admitted, save for AY 2014-2015 and AY 2017-2018. In AY 2014-2015, females were 20.4% of those admitted and 15.8% of those enrolled; in AY 2015-2016, females were 29.7% of those admitted and 30% of those enrolled; in AY 2016-2017, females were 37.5% of those admitted and 46.4% of those enrolled; in AY 2017-2018, females were 28.8% of those admitted and 28.6% of those enrolled; and in AY 2018-2019, females were 33.3% of those admitted and 38.5% of those enrolled. Male enrollment in the PhD program followed the reverse trend.

PhD program

As to CEE's PhD program, from AY 2014-2015 to AY 2018-2019, there was a large disparity between the absolute number of male and female admitted students who enrolled. In AY 2014-2015, 66.7% of female admitted students chose to enroll. However, beginning in AY 2015-2016, rates of female enrollment dropped dramatically and remained steady, between 35-36% of admitted students who enrolled, until AY 2017-2018. In AY 2018-2019, only 6.7% of admitted female students chose to enroll, with one admitted female enrolling that academic year. Male enrollment in the PhD program followed the reverse trend.

In analyzing the rates at which males and females enrolled in relation to their percentage of admitted students, the following trend is observed in CEE's PhD program. In every academic year, save for AY 2018-2019, females enrolled at higher rates than they were admitted. In AY 2014-2015, females were 39.1% of those admitted and 66.7% of those enrolled; in AY 2015-2016, females were 26.1% of those admitted and 36.4% of those enrolled; in AY 2016-2017, females were 19.2% of those admitted and 36.4% of those enrolled; in AY 2017-2018, females were 32.4% of those admitted and 35.3% of those enrolled. In AY 2018-2019, females were 28% of those admitted, but only 6.7% of those enrolled. Male enrollment in the PhD program followed the reverse trend.

iii. Finding for CEE

DOE finds that CEE's admission process and policies comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations. Although OCR found no direct evidence of discrimination based on sex in CEE's admissions process and policies, OCR notes the disparity between the absolute number of male and female students who were admitted and enrolled in CEE's graduate programs.⁹ OCR also notes with concern the steady decline in the number of females admitted to the PhD program from AY 2014-2015 to AY 2016-2017. OCR did not assess all factors of admission, such as applicants' qualifications, but the above-referenced disparities may indicate that gender-based barriers exist in CEE's application process. Accordingly, OCR makes the following recommendations.

⁹ OCR does note, however, that females were admitted at higher rates than their percentage of the applicant pool and also enrolled at higher rates than their percentage of admitted students.

iv. Recommendation for CEE

- CEE should consider evaluating whether any gender-related barriers exist in the admissions process.

v. ECE's Admission Data¹⁰

AY 2015-2016							
Number of Applicants				Number of Admitted Applicants			
Degree Level Sought	Male	Female	AY 2015-2016 Total	Degree Level Sought	Male	Female	AY 2015-2016 Total
Master's	309	70	379	Master's	154	33	187
Doctorate	103	23	126	Doctorate	31	7	38

Highlights:

In AY 2015-2016, males were 81.5% of the applicant pool for the Master's program and 82.4 % of those admitted; females were 18.5% of the applicant pool and 17.6% of those admitted.

In AY 2015-2016, males were 81.7% of the applicant pool for the PhD program and 81.6% of those admitted; females were 18.3% of the applicant pool and 18.4% of those admitted.

AY 2016-2017							
Number of Applicants				Number of Admitted Applicants			
Degree Level Sought	Male	Female	AY 2016-2017 Total	Degree Level Sought	Male	Female	AY 2016-2017 Total
Master's	259	60	319	Master's	123	25	148
Doctorate	71	26	97	Doctorate	20	7	27

Highlights:

In AY 2016-2017, males were 81.2% of the applicant pool for the Master's program and 83.1% of those admitted; females were 18.8% of the applicant pool and 16.9% of those admitted.

In AY 2016-2017, males were 73.2% of the applicant pool for the PhD Program and 74.1% of those admitted; females were 26.8% of the applicant pool and 25.9% of those admitted.

AY 2017-2018							
Number of Applicants				Number of Admitted Applicants			
Degree Level Sought	Male	Female	AY 2017-2018 Total	Degree Level Sought	Male	Female	AY 2017-2018 Total
Master's	185	46	231	Master's	103	21	124
Doctorate	96	21	117	Doctorate	23	7	30

¹⁰ ECE did not provide admissions data for AY 2014-2015.

Highlights:

In AY 2017-2018, males were 80.1% of the applicant pool for the Master's program and 83.1% of those admitted; females were 19.9% of the applicant pool and 16.9% of those admitted.

In AY 2017-2018, males were 82.1% of the applicant pool for the PhD program and 76.7% of those admitted; females were 17.9% of the applicant pool and 23.3% of those admitted.

AY 2018-2019							
Number of Applicants				Number of Admitted Applicants			
Degree Level Sought	Male	Female	AY 2017-2018 Total	Degree Level Sought	Male	Female	AY 2017-2018 Total
Master's	143	39	182	Master's	87	26	113
Doctorate	123	22	145	Doctorate	43	6	49

Highlights:

In AY 2018-2019, males were 78.6% of the applicant pool for the Master's program and 77% of those admitted; females were 21.4% of the applicant pool and 23% of those admitted.

In AY 2018-2019, males were 84.8% of the applicant pool for the Master's program and 87.8% of those admitted; females were 15.2% of the applicant pool and 12.2% of those admitted.

Analytical Overview of ECE's Admission Data from AY 2015-2016 to AY 2018-2019:*Master's Program*

As to ECE's Master's program, there was a large disparity in the absolute number of admitted males and females from AY 2015-2016 to AY 2018-2019. For every year reviewed, save for AY 2018-2019 in which females were 23% of admitted students, females were less than a fifth of admitted students. From AY 2015-2016 to AY 2016-2017, the rate of admitted females dropped slightly from 17.6% to 16.9%, and remained at 16.9% in AY 2017-2018. In AY 2018-2019, the percentage of admitted females increased to 23%. Male admission rates followed the reverse trend.

In analyzing the rates at which males and females were admitted in relation to their percentage of the applicant pool, the following trend is observed in ECE's Master's program. For every year reviewed, save for AY 2018-2019 in which females were 21.4% of the applicant pool and 23% of those admitted, females were admitted at lower rates than their percentage of the applicant pool. For instance, in AY 2015-2016, females were 18.5% of the applicant pool and 17.6% of those admitted; in AY 2016-2017, females were 18.8% of the applicant pool and 16.9% of those admitted; and in AY 2017-2018, females were 19.9% of the applicant pool and 16.9% of those admitted. Male admission rates followed the reverse trend.

PhD Program

As to ECE's PhD program, there was a large disparity in the absolute number of admitted males and females from AY 2015-2016 to AY 2018-2019. In AY 2015-2016 and AY 2018-2019, females were less than one fifth of admitted students, and in AY 2016-2017 and AY 2017-2018, females were about one fourth of admitted students. From AY 2015-2016 to AY 2016-2017, the percentage of admitted females increased from 18.4% to 25.9%. In AY 2017-2018, the percentage of admitted females dropped to 23.3%, and in AY

2018-2019, the percentage of admitted females dropped significantly to 12.2%. Male admission rates followed the reverse trend.

In analyzing the rates at which males and females were admitted in relation to their percentage of the applicant pool, the following trend is observed in ECE's PhD program. In AY 2016-2017 and AY 2018-2019, females were admitted at lower rates than their percentage of the applicant pool. In AY 2016-2017, females were 26.8% of the applicant pool and 25.9% of those admitted. In AY 2018-2019 females were 15.2% of the applicant pool and 12.2% of those admitted. In AY 2015-2016, females were admitted at about the same rate as their percentage of the applicant pool, as they were 18.3% of the applicant pool and 18.4% of those admitted. In AY 2017-2018, females were admitted at a higher rate than their percentage in the applicant pool, as they were 17.9% of the applicant pool and 23.3% of those admitted. Male admission rates followed the reverse trend.

vi. ECE's Enrollment Data¹¹

AY 2015-2016							
Number of Admitted Applicants				Number of Admitted Applicants Who Enrolled			
Degree Level Sought	Male	Female	AY 2015-2016 Total	Degree Level Sought	Male	Female	AY 2015-2016 Total
Master's	154	33	187	Master's	59	10	69
Doctorate	31	7	38	Doctorate	20	3	23

Highlights:

In AY 2015-2016, males were 82.4% of those admitted into the Master's program and 85.5% of those enrolled; females were 17.6% of those admitted and 14.5% of those enrolled.

In AY 2015-2016, males were 81.6% of those admitted into the PhD program and 87% of those enrolled; females were 18.4% of those admitted and 13% of those enrolled.

AY 2016-2017							
Number of Admitted Applicants				Number of Admitted Applicants Who Enrolled			
Degree Level Sought	Male	Female	AY 2016-2017 Total	Degree Level Sought	Male	Female	AY 2016-2017 Total
Master's	123	25	148	Master's	54	5	59
Doctorate	20	7	27	Doctorate	14	6	20

Highlights:

In AY 2016-2017, males were 83.1% of those admitted into the Master's program and 91.5% of those enrolled; females were 16.9% of those admitted and 8.5% of those enrolled.

In AY 2016-2017, males were 74.1% of those admitted into the PhD program and 70% of those enrolled; females were 25.9% of those admitted and 30% of those enrolled.

¹¹ ECE did not provide data regarding the number of admitted applicants who enrolled in AY 2014-2015.

AY 2017-2018							
Number of Admitted Applicants				Number of Admitted Applicants Who Enrolled			
Degree Level Sought	Male	Female	AY 2017-2018 Total	Degree Level Sought	Male	Female	AY 2017-2018 Total
Master's	103	21	124	Master's	47	7	54
Doctorate	23	7	30	Doctorate	17	5	22

Highlights:

In AY 2017-2018, males were 83.1% of those admitted into the Master's program and 87% of those enrolled; females were 16.9% of those admitted and 13% of those enrolled.

In AY 2017-2018, males were 76.7% of those admitted into the PhD program and 77.3% of those enrolled; females were 23.3% of those admitted and 22.7% of those enrolled.

AY 2018-2019							
Number of Admitted Applicants				Number of Admitted Applicants Who Enrolled			
Degree Level Sought	Male	Female	AY 2017-2018 Total	Degree Level Sought	Male	Female	AY 2017-2018 Total
Master's	87	26	113	Master's	42	13	55
Doctorate	43	6	49	Doctorate	35	5	40

Highlights:

In AY 2018-2019, males were 77% of those admitted into the Master's program and 76.4% of those enrolled; females were 23% of those admitted and 23.6% of those enrolled.

In AY 2018-2019, males were 87.8% of those admitted into the PhD program and 87.5% of those enrolled; females were 12.2% of those admitted and 12.5% of those enrolled.

ECE's Part- and Full-Time Graduate Student Enrollment (Master's and PhD) Compared to National Averages

Academic Year	Number of Part- and Full-Time Graduate Enrollees		
	Male	Female	Total
2014-2015	161	37	198
2015-2016	182	41	223
2016-2017	189	39	228
2017-2018	158	38	196
2018-2019	159	45	204

Highlights:

In AY 2014-2015, males were 81.3% of graduate enrollees, and females were 18.7%.

In AY 2015-2016, males were 81.6% of graduate enrollees and females were 18.4%.

In AY 2016-2017, males were 82.9% of graduate enrollees and females were 17.1%.

National Averages of Total Enrollees in Electrical and Computer Engineering¹²

In AY 2014-2015, males were 75.1% of graduate enrollees and females were 24.9%.

In AY 2015-2016, males were 74.6% of graduate enrollees and females were 25.4%.

In AY 2016-2017, males were 73.5% of graduate enrollees, and females were 26.5%.

Analytical Overview of ECE's Enrollment Data from AY 2015-2016 to AY 2018-2019:

From AY 2014-2015 to AY 2016-2017, ECE's rates of total female part- and full-time graduate enrollees were well below the national average.¹³

Master's Program

As to ECE's Master's program, there was a large disparity between the absolute number of male and female admitted students who enrolled. For every academic year reviewed, save for AY 2018-2019 in which 23.6% of female admitted students enrolled, females were less than 15% of admitted students who chose to enroll. From AY 2015-2016 to AY 2016-2017, the percentage of female admitted students who enrolled dropped from 14.5% to 8.5%. From AY 2016-2017 to AY 2017-2018, the percentage of female admitted students who enrolled increased to 13%, and again increased in AY 2018-2019 to 23.6%. The enrollment rates of male admitted students in the Master's program followed the reverse trend.

In analyzing the rates at which males and females enrolled in relation to their percentage of the admitted students, the following trend is observed in ECE's Master's program. From AY 2015-2016 to AY 2017-2018, females generally enrolled at lower rates than they were admitted. For instance, in AY 2015-2016, females were 17.6% of total admitted students but only 14.5% those who enrolled. In AY 2016-2017, females were 16.9% of total admitted students but only 8.5% those who enrolled. In AY 2017-2018, females were 16.9% of total admitted students but only 13% of those who enrolled. In AY 2018-2019, females were enrolled at roughly the same rate that they were admitted, as they were 23% of those admitted and 23.6% of those who enrolled. The enrollment rates of male admitted students in the Master's program followed the reverse trend.

PhD Program

¹² National averages of graduate student enrollees were obtained from NSF, National Center for Science and Engineering Statistics, Graduate Students and Post-doctorates in Science and Engineering Survey, *available at* <https://ncesdata.nsf.gov/ids/gss>. As of the date of the instant report, NSF has not yet released data for AY 2017-2018 and AY 2018-2019.

¹³ OCR notes that ECE's comparison to national averages is merely one of many data points to assess in determining whether any gender-related barriers exist in ECE's programs and/or policies.

From AY 2015-2016 to AY 2018-2019, there was a disparity in the absolute number of male and female admitted students who enrolled. During the relevant time period, the percentage of female admitted students who enrolled fluctuated widely. In AY 2015-2016, females were 13% of admitted students who enrolled, and in AY 2016-2017, the percentage of females who enrolled more than doubled to 30%. In AY 2017-2018, the percentage of females who enrolled dropped to 22.7%, and in AY 2018-2019, the number of females who enrolled continued to drop to 12.5%, which is even less than the rate of admitted females who enrolled in AY 2015-2016. Male enrollment rates followed the reverse trend.

In analyzing the rates at which males and females enrolled in relation to their percentage of admitted students, the following trend is observed in ECE's PhD program. Females enrolled at a lower rate than they were admitted in AY 2015-2016, as they were 18.4% of those admitted and 13% of those enrolled. In AY 2016-2017, however, females enrolled at a higher rate than they were admitted, as they were 25.9% of those admitted and 30% of those enrolled. From AY 2017-2018 to AY 2018-2019, females enrolled at roughly the same rate they were admitted. In AY 2017-2018, females were 23.3% of those admitted and 22.7% of those enrolled, and in AY 2018-2019, females were 12.2% of those admitted and 12.5% of those enrolled. Male enrollment rates followed the reverse trend.

vii. Finding for ECE

DOE finds that ECE's admission process and policies comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations. Although OCR found no direct evidence of discrimination based on sex in ECE's admission and enrollment rates, OCR notes the disparity between the absolute number of male and female students who were admitted and enrolled in CEE's graduate programs. OCR finds that it is particularly concerning that, generally, females admitted to the Master's program enrolled at lower rates than their percentage of admitted students. While OCR did not assess all factors of admission, such as applicants' qualifications, such stark disparities may indicate that gender-based barriers exist in CEE's admission process. Accordingly, OCR makes the following recommendations.

viii. Recommendations for ECE

- ECE should consider evaluating whether any gender-related barriers exist in the admissions process.
- ECE should consider promptly evaluating why females enroll in the Master's program at lower rates than they are admitted, such as evaluating how females are treated once admitted to ECE's graduate program. (e.g. sending surveys to students who were admitted but declined enrollment may assist the University in evaluating this trend).

V. Requirements for Degree Completion

DOE Title IX implementing regulations state that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient of financial assistance. 10 C.F.R. § 1042.400. DOE evaluated CEE's and ECE's requirements for obtaining Master's and doctoral degrees by reviewing the degree completion requirements to determine whether CEE and ECE comply with this general provision of nondiscrimination on the basis of sex.

A. CEE's Degree Completion Requirements

i. Master's

CEE Master's students must choose an area of technical specialization upon enrollment and satisfy the core course requirements for that particular area of technical specialization.

Master's students have both thesis and non-thesis options. If a student elects not to complete a thesis, the student must complete 30 semester hours of acceptable graduate level courses, submit a five-page written report, and present on a selected engineering topic. In lieu of fulfilling the requirement of 30 credit hours, a student may complete an acceptable thesis for a minimum of six credits. The student's thesis committee members must approve and provide a written evaluation of the student's oral defense and written thesis.

The student must earn a minimum grade point average of 3.0 in all approved courses and complete the Graduate Seminar. The student must complete all work toward the Master's degree within six years of the student's date of enrollment in the Master's program.

From AY 2014-2015 to AY 2018-2019, 95 students were awarded Master of Science degrees in Civil and Environmental Engineering, 60 (63.2%) of whom were male and 35 (36.8%) of whom were female. No CEE Master's candidates failed the thesis requirement.

ii. PhD

Students must contact the Department for a list of all faculty members and be accepted by one professor to guide the student's dissertation research. If no such professor can be found within fifteen months of the student's admission, the student will be dismissed from the PhD program. Once the student is admitted, the student's dissertation committee is appointed, and the major professor holds the status of dissertation advisor.

CEE PhD students must complete at least 90 semester credit hours beyond the Bachelor's degree, 54 hours of which are course work and 24 hours of dissertation, or at least 60 semester credit hours beyond the Master of Science degree, 24 hours of which are coursework and 24 hour of which are dissertation. The remaining hours may be taken as either course work or dissertation, or a combination thereof. In addition, the selection of courses beyond the Master's degree must include a minimum of three credits of Mathematics or Statistics, a minimum of 18 core credits in one's selected major area in Civil or Environmental Engineering, and the Graduate Seminar. All doctoral students are also required to take the Research Methods for Civil Engineers courses before or during the first semester of dissertation credits.

CEE PhD students must successfully complete a Qualifying Exam, which must be taken as soon as possible but no later than the semester the student completes the minimum applicable course requirements. If a student fails the exam, he or she may retake it only once in the subsequent semester.

CEE PhD students must submit a proposal of their dissertation defense, which must be completed at least one year prior to the student's expected graduation date. The student can take the proposal defense twice.

CEE PhD students must also fulfill a residency requirement, which requires the PhD student to spend at least one academic year in fully residency after successfully passing his or her Comprehensive Examination, which is comprised of the Qualifying Examination, the Proposal Defense, and the Dissertation Defense.

The maximum length of study is seven years for students admitted with an acceptable Bachelor of Science degree and six years for students with an acceptable Master of Science degree. The length of study may be extended on a yearly basis if a student petitions and the student's supervisory committee approves. The University Graduate School must approve any extension beyond nine years.

From AY 2014-2015 to AY 2018-2019, 52 students were awarded PhD degrees in Civil and Environmental Engineering, 36 (69.2%) of whom were male and 16 (30.8%) of whom were female. No CEE PhD candidates failed the dissertation defense or the dissertation requirements.

B. Findings for CEE

DOE finds that CEE's graduate degree completion requirements comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations.

C. ECE's Degree Completion Requirements

i. Master's

ECE offers three Master's programs: Master of Science in Electrical Engineering, Master of Science in Computer Engineering, Master of Science in Computer Engineering—Network Security Online.

ECE Master's candidates pursuing a Master of Science in Electrical Engineering or a Master of Science in Computer Engineering have a thesis option and a non-thesis option. Students who choose to pursue a non-thesis option must either complete 27 credits of coursework approved by his or her thesis advisor and successfully complete a specific graduate course with at least a 3.0, or complete 30 credits of coursework approved by the Graduate Program Director. Students who choose a thesis option, must complete 24 semester credit hours of technical course work and six semester credit hours of a specialized thesis course. Upon successful of coursework, the student must pass a final oral exam, which is primarily a defense of the student's thesis research.

Student's pursuing a Master of Science in Computer Engineering—Network security must complete 30 semester hours beyond the Bachelor's degree. This Master's is a "lock-step" program that consists of a specific sequence of courses consisting of two components: 23 credits in Computer Engineering Courses and 6 Credits in Math Electives. All other Master of Science curriculum and admission requirements apply to this degree.

All work for the Master's degree must be complete during the five years immediately following the student's date of admission.

From AY 2014-2015 to AY 2018-2019, 255 students were awarded Master's degrees in Electrical and Computer Engineering, 216 (84.7%) of whom were male and 39 (15.3%) of whom were female. No ECE Master's candidates failed the thesis requirement.

ii. PhD

Within twelve months of acceptance into ECE's PhD program, students must identify an area of research by contacting and being accepted by a professor willing to guide the student's dissertation research. If the student cannot find a professor, the student will be dismissed from the PhD program. A student's Graduate Supervisory and Research Committee is appointed no later than fifteen months after the student's admission to the PhD program.

ECE PhD students must complete at least 75 credit hours beyond the Bachelor's degree. A maximum of 30 credit hours earned in a Master's degree in Electrical and Computer Engineering may be counted toward the PhD for courses in which the student earned a minimum grade of 3.0. ECE PhD students must complete at least nine credits in their major area and at least six credits in two different breadth areas. Students must complete a minimum of 45 credits of graduate course work toward their PhD before they are eligible for candidacy.

After satisfying the course breadth requirements in one's area of specialization and in two other areas, the student is eligible for the written qualifying exam. If a student fails the exam, he or she must retake it the next time it is offered. If a student fails the exam a second time, he or she will be dismissed from the PhD program.

The student's proposal defense must be taken within one semester after the student passes the qualifying exam. After a student fulfills all required course work and passes the qualification exam and proposal defense, he or she is admitted to candidacy, which means that the student is ready to commence working on his or her dissertation.

ECE PhD students must complete a dissertation. Students must submit a proposal to the student's Dissertation Committee for approval and enroll in dissertation credits in the semester in which he or she expects to be admitted to candidacy. Upon completing one's dissertation, the student will submit to the Dean of Graduate School an application for dissertation defense. Following successful completion of the dissertation defense, the student must forward the dissertation to the Dean of the College of Engineering and Computing and the Dean of the Graduate School for their approval.

ECE PhD students must spend at least one academic year in full-time residency, usually after being admitted to candidacy. To satisfy the residency requirement for a PhD in Electrical and Computer Engineering, the candidate must complete a minimum of 18 credit hours within a period of twelve months in residency at the University.

The maximum length of time in which an ECE PhD student has to complete his or her degree is seven years for students admitted with an acceptable B.S. degree and six years for students with an acceptable M.S. degree. The length of study may be extended on a yearly basis after petition by the student and approval by the student's supervisory committee. Any extension beyond nine years must be approved by the University Graduate School.

From AY 2014-2015 to AY 2018-2019, 69 students were awarded PhD degrees in Electrical and Computer Engineering, 55 (79.7%) of whom were male and 14 (20.3%) of whom were female. No ECE PhD candidates failed the dissertation defense or the dissertation requirement.

D. Findings for ECE

DOE finds that ECE's graduate degree completion requirements comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations.

VI. Financial Assistance

A. Assistance in General

Graduate assistants may teach, conduct research, or have other responsibilities that contribute to their professional development. Graduate assistants are classified as Graduate Assistants, Teaching Assistants (TAs), or Research Assistants (RAs) and receive a stipend, tuition waiver, and health insurance.¹⁴

B. Selection Process

CEE offers Graduate Assistantships to Master's and doctoral students who are intended to contribute to the faculty's research endeavors. CEE does not offer sign-on bonuses as a means of attracting prospective students. CEE offers a Presidential Fellowship with a stipend of \$30,000 per year for three students, plus a tuition waiver and health insurance. CEE also offers a McKnight Fellowship with a stipend of \$22,000 per year for three years, then two additional years of funding through a Graduate Assistantship. McKnight Fellows also receive a tuition waiver and health insurance.

CEE does not have any policies or procedures for determining how students are placed in research assistantships and teaching assistantships. CEE reported that selection decisions are decided solely by the principal investigator, i.e. the tenured or tenure-track faculty member, and the Department Chair.

C. Distribution of Assistantships and Fellowships

i. CEE's Distribution of Assistantships and Fellowships

CEE reported that no prospective CEE students were awarded scholarships, fellowships, or financial incentives during AY 2014-2015 to AY 2018-2019.

Below is the number of graduate students, by sex, who served or are serving as RAs and/or TAs in CEE.

Academic Year	Degree Program	Number of graduate students serving as RA or TA			Number of Part- and Full-Time Enrollees		
		Male	Female	Total	Male	Female	Total
2014-2015	Master's	4	3	7	46	20	66
	PhD	37	17	54	53	25	78
2015-2016	Master's	4	1	5	36	18	54
	PhD	40	15	55	53	24	77
2016-2017	Master's	3	3	6	32	24	56
	PhD	33	14	47	47	23	70
2017-2018	Master's	2	5	7	38	22	60

¹⁴ For more information, see <http://gradschool.fiu.edu/wp-content/uploads/2019/04/GA-Summary-Chart-Summer-2019.pdf>.

	PhD	26	16	42	39	25	64
2018-2019	Master's	2	4	6	29	20	49
	PhD	39	15	54	47	21	68

Highlights:

In AY 2014-2015, in the Master's program, males were 69.7% of enrollees and 57.1% of financial assistance recipients in the Master's program, and females were 30.3% of enrollees and 42.9% of financial assistance recipients. In the PhD program, males were 67.9% of enrollees and 68.5% of financial assistance recipients, and females were 32.1% of enrollees and 31.5% of financial assistance recipients.

In AY 2015-2016, in the Master's program, males were 66.7% of enrollees and 80% of financial assistance recipients, and females were 33.3% of enrollees and 20% of financial assistance recipients. In the PhD program, males were 68.8% of enrollees and 72.7% of financial assistance recipients, and females were 31.2% of enrollees and 27.3% financial assistance recipients.

In AY 2016-2017, in the Master's program, males were 57.1% of enrollees and 50% of financial assistance recipients, and females were 42.9% of enrollees and 50% of financial assistance recipients. In the PhD program, males were 67.1% of enrollees and 70.2% of financial assistance recipients, and females were 32.9% of enrollees and 29.8% of financial assistance recipients.

In AY 2017-2018, in the Master's program, males were 63.3% of enrollees and 28.6% of financial assistance recipients, and females were 36.7% of enrollees and 71.4% of financial assistance recipients. In the PhD program, males were 60.9% of enrollees and 61.9% of financial assistance recipients, and females were 39.1% of enrollees and 38.1% of financial assistance recipients.

In AY 2018-2019, in the Master's program, males were 59.2% of enrollees and 33.3% of financial assistance recipients, and females were 40.8% of enrollees and 66.7% of financial assistance recipients. In the PhD program, males were 69.1% of enrollees and 70.2% of financial assistance recipients, and females were 30.9% of enrollees and 29.8% of financial assistance recipients.

Analytical Overview of CEE's Financial Assistance Data from AY 2014-2015 to AY 2018-2019:

In the Master's program, generally, fewer females received financial assistance than males in terms of absolute numbers. However when analyzing rates of financial assistance based on the number of current enrollees, higher percentages of females received financial assistance relative to their percentage of enrollment for all academic years, save for AY 2015-2016.

In the PhD program, generally, fewer females received financial assistance than males in terms of absolute numbers. When analyzing rates of financial assistance based on the number of current enrollees, fewer females received financial assistance (ranging from .6% to 3.9% fewer students during each academic year) than their percentage of enrollment for all academic years.

ii. ECE's Distribution of Assistantships and Fellowships

Presidential Fellowships and McKnight Fellowships are also available to ECE students. From AY 2014-2015 to AY 2018-2019, one male received a Presidential Fellowship in fall 2018. From AY 2014-2015 to AY 2018-2019, five males and one female received McKnight Fellowships.

ECE does not have any policies or procedures for determining how students are placed in RAs and TAs. ECE's selection decisions are decided solely by the principal investigator, i.e. the tenured or tenure-track

faculty member. Several faculty members stated TAs and RAs are selected based on their GPA, GRE, and resumes. One faculty who was interviewed stated the graduate program director provides a list of all admitted students, then the RAs and TAs are selected from the pool of students.

Academic Year	Degree Program	Number of graduate students serving as RA or TA			Number of Part- and Full-Time Enrollees		
		Male	Female	Total	Male	Female	Total
2014-2015	Master's	18	1	19	94	15	109
	PhD	58	12	70	67	22	89
2015-2016	Master's	20	2	22	110	23	133
	PhD	59	13	72	72	18	90
2016-2017	Master's	16	4	20	112	18	130
	PhD	58	16	74	77	21	98
2017-2018	Master's	8	1	9	86	13	99
	PhD	61	17	78	72	25	97
2018-2019	Master's	11	2	13	71	19	90
	PhD	63	18	81	88	26	114

Highlights:

In AY 2014-2015, in the Master's program, males were 86.2% of enrollees and 94.7% of financial assistance recipients, and females were 13.8% of enrollees and 5.3% of financial assistance recipients. In the PhD program, males were 75.3% of enrollees and 82.9% of financial assistance recipients, and females were 24.7% of enrollees and 17.1% of financial assistance recipients.

In AY 2015-2016, in the Master's program, males were 82.7% of enrollees and 90.9% of financial assistance recipients, and females were 17.3% of enrollees and 9.1% of financial assistance recipients. In the PhD program, males were 80% of enrollees and 81.9% of financial assistance recipients, and females were 20% of enrollees and 18.1% of financial assistance recipients.

In AY 2016-2017, in the Master's program, males were 86.2% of enrollees and 80% of financial assistance recipients, and females were 13.8% of enrollees and 20% of financial assistance recipients. In the PhD program, males were 78.6% of enrollees and 78.4% of financial assistance recipients, and females were 21.4% of enrollees and 21.6% of financial assistance recipients.

In AY 2017-2018, in the Master's program, males were 86.9% of enrollees and 88.9% of financial assistance recipients, and females were 13.1% of enrollees and 11.1% of financial assistance recipients. In the PhD program, males were 74.2% of enrollees and 78.2% of financial assistance recipients, and females were 25.8% of enrollees and 21.8% of financial assistance recipients.

In AY 2018-2019, in the Master's program, males were 78.9% of enrollees and 84.6% of financial assistance recipients, and females were 21.1% of enrollees and 15.4% of financial assistance recipients. In

the PhD program, males were 77.2% of enrollees and 77.8% of financial assistance recipients, and females were 22.8% of enrollees and 22.2% of financial assistance recipients.

Analytical Overview:

In the Master's program, generally, fewer females received financial assistance than males in terms of absolute numbers. When analyzing rates of financial assistance based on the number of current enrollees, fewer females received financial assistance than their percentage of enrolled students in all academic years, save for AY 2016-2017.

In the PhD program, generally, fewer females received financial assistance than males in terms of absolute numbers. When analyzing rates of financial assistance based on the number of current enrollees, fewer females (ranging from .2% to 7.6% during each academic year) received financial assistance than their percentage of enrolled students in all academic years.

D. Findings for CEE and ECE

DOE finds that CEE's and ECE's financial assistance programs comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations. Although there is no direct evidence of discrimination, OCR notes that fewer females received financial assistance than males in CEE and ECE, both in terms of absolute numbers as well as the relative number of females enrolled in the programs. Accordingly, OCR makes the following recommendations.

E. Recommendation for CEE and ECE

- CEE and ECE should consider evaluating why fewer females are receiving financial assistance to ensure that there are no gender-related barriers facing females in the University's financial assistance programs.

VII. Title IX Statutory and Regulatory Requirements

Title IX and DOE regulations require each recipient of Federal financial assistance to designate at least one employee to coordinate and carry out its Title IX compliance responsibilities, and to notify its students and employees of the name, office address, and telephone number of the designated employee (or employees) appointed to administer its Title IX grievance process. 10 C.F.R. § 1042.135(a).

DOE implementing regulations require recipients to provide applicants for admission and employment, students, and employees notification of (1) Title IX protections, (2) the University's policy of nondiscrimination on the basis of sex, (3) and how to contact the Title IX coordinator. Recipients must also include such information in each announcement, catalog, or application form that it makes available to students and employees, or which is otherwise used in connection with the recruitment of students and employees. 10 C.F.R. §1042.140(a)-(b).

A. FIU's Title IX Coordinator

OCR interviewed the University's Title IX Coordinator regarding a variety of topics, including FIU's Title IX program, FIU's Title IX complaint process, the University's Title IX training for students and faculty, and the structure and staff of the office of Equal Opportunity Programs and Diversity (EOPD), under which the Title IX Coordinator resides.

The position description that FIU submitted for the Title IX Coordinator states that the official title for the Title IX Coordinator's position is Director of Equal Opportunity Programs (EOP). The Director of EOP

reports to the Vice President for Human Resources and supervises two Equal Opportunity Program Specialists, an Equal Opportunity Program Investigator, and a Deputy Title IX Coordinator. The Director of EOP implements and administers the Equal Opportunity Programs and Diversity program and the Affirmative Action program for faculty, staff, and students. The position description states that the Director of EOP is responsible for ensuring compliance with state and Federal laws regarding equal employment opportunity and affirmative action, and that the position's essential functions include, but are not limited to:

- Developing, implementing, and administering EOP, affirmative action, and diversity programs for faculty, staff, and students;
- Coordinating with departments and constituency group representatives to gather and disseminate to the VP for Human Resources data, information, and reports regarding EOP, affirmative action, and diversity activities;
- Overseeing investigation of internal complaints of discrimination and sexual harassment and making efforts to mediate or respond to such complaints; formulating University responses to complaints filed with external agencies [(e.g. EEOC)] and working with legal counsel regarding discrimination issues;
- Serving as the Affirmative Action Coordinator to help ensure that equity and good faith efforts to achieve affirmative action goals are taken as part of the employment process;
- Serving as the Americans with Disabilities Act Coordinator to ensure the University's compliance;
- Serving as the University's Title IX (Gender Equity) Coordinator;
- Developing, promulgating, and revising University policy on equal opportunity and affirmative action for approval by the University Executive Committee;
- Preparing the annual equity report, which includes information on the Title IX and the Florida Education Equity Act and Employee Accountability Statute;
- Preparing the annual Affirmative Action Plan, Diversity Plan, and VETS 100 Report;
- Facilitating seminars related to equal employment opportunities, affirmative action, discrimination, ADA, diversity, sexual harassment, and other related topics; [and]
- Working with University departments to ensure participation and cooperation with University EOP, affirmative action, and diversity initiatives.

FIU also has two Deputy Title IX Coordinators, one of whom also serves as the Assistant Director of EOPD, and the other who serves as the Director of Student Conduct and Conflict Resolution. The Senior Associate Athletic Director also receives Title IX complaints. FIU has also designated the following individuals to receive, investigate, and process Title IX complaints: Dr. Larry Lunsford, Vice President of Student Affairs; Dr. Antonio "Tony" Delgado, Interim Assistant Vice President of Student Affairs Dean of Students and Office of the Ombudsperson (Students); Chief Alexander "Alex" Casas of the University Police Department; Dr. Rebecca Friedman, Faculty Ombudsperson; and the University Compliance & Integrity Office.

B. FIU's Nondiscrimination and Sexual Harassment Policies

FIU's nondiscrimination and sexual harassment policies are contained in FIU's regulations, FIU 105 and FIU 106, which were promulgated by FIU's Board of Governors.¹⁵ In an attempt to bring clarity to Title IX matters, in 2018, the Board of Governors promulgated a separate regulation for Title IX, contained in FIU 105. FIU 105 and 106 also contain FIU's grievance procedures for Title IX complaints, which are more fully discussed in the section, *FIU's Grievance Procedures*. FIU's nondiscrimination policies are set forth in the Student Code of Conduct.

i. FIU 105

FIU 105 is titled, "Sexual Misconduct (Title IX)," and states that the regulation "prohibits discrimination and harassment based on sex, gender, gender expression, gender identity, or sexual orientation, sexual misconduct, domestic and dating partner violence, and/or stalking." The regulation also prohibits retaliation for reporting conduct prohibited by the regulation and/or for participating in an investigation of an alleged violation of the regulation. The regulation defines the role of the Title IX Coordinator and provides the Title IX Coordinator's email address and phone number. The regulation also sets forth the names and contact information for the above-referenced Deputy Title IX Coordinators. The regulation defines various terms related to Title-IX issues, including "dating or domestic violence," "harassment," "retaliation," "sexual misconduct," and "gender-based harassment."

A summary of FIU 105 is available on FIU's website, *FIU Nondiscrimination Policy*.¹⁶ The full text of the regulation is available at FIU's website, *Board of Trustees Regulations: FIU-105: Sexual Misconduct (Title IX)*.¹⁷

ii. FIU 106

FIU 106, titled, "Nondiscrimination, Harassment and Retaliation (Title VII)," prohibits discrimination and harassment based on race, color, sex, pregnancy, religion, age, disability, national origin, marital status, and veteran status. FIU 106 also prohibits discrimination based on sexual misconduct, sexual orientation, gender identity, and gender expression, and incorporates FIU 105 by reference. FIU 106 defines discrimination and provides examples of discriminatory conduct, including but not limited to disparity of treatment in hiring and the administration of education programs and housing. FIU 106 also prohibits retaliation for filing complaints or otherwise protesting practices that are prohibited under the regulation, with the caveat that "frivolous or malicious" discrimination claims may result in "University sanctions against the complainant, including disciplinary action where appropriate."

¹⁵ The Florida Board of Governors, whose members are appointed by the Florida Governor and confirmed by the Florida Senate, oversees the operation and management of the Florida public university system's twelve institutions. The Board promulgates regulations by posting proposed regulations on the Board's website at least thirty days in advance of the Board taking final action to approve the regulation at a public meeting. The public may comment on a proposed regulation within fourteen days from the time of the proposed regulation. See *State University System: Board of Governors*, <https://www.flbog.edu/> (last visited March 29, 2019).

¹⁶ Available at <https://law.fiu.edu/students/fiu-nondiscrimination-policy/>

¹⁷ Available at <https://regulations.fiu.edu/regulation=FIU-105>

The full text of FIU 106 is available at FIU's website, *Board of Trustees Regulations: FIU-106: Nondiscrimination, Harassment, and Retaliation (Title VII)*.¹⁸

C. Notification Requirements of Title IX

i. Training

Students

To inform students of Title IX protections, FIU requires students to take a course, Sexual Assault Prevention for Undergraduates (SAPU),¹⁹ offered by an outside vendor, EVERFI. FIU also states that it plans on offering another course by EVERFI, the Sexual Assault Prevention for Graduate Students (SAPGS). The SAPU training is mandatory for all FIU students, who are required to complete the course before their second semester on campus begins. When students fail to complete the training, FIU imposes an academic hold that prevents the students from enrolling in or dropping classes until the students complete the training. Students repeatedly receive reminder emails until they complete the training. EOPD also provides Title IX training to FIU athletes. EOPD additionally provides training and awareness programs to the College of Engineering, including in-person training and tabling events hosted by the Office of Student Affairs.

The Title IX Coordinator stated Title IX training is mandatory for resident assistants in student housing. At the beginning of the semester, the Center for the Advancement of Teaching also offers a two-day course, Teaching Assistant Orientation, which includes a section on sexual misconduct.

The majority of graduate students whom OCR interviewed had a basic understanding of Title IX and knew of the Title IX Coordinator. Many students did not know the Title IX Coordinator's contact information but were confident they could obtain this information online. Several students stated they were only familiar with Title IX because, a few weeks prior, EOPD provided a Title IX training.

The Title IX Coordinator said the University notifies students about Title IX training at student orientation, as well as through tabling and social media campaigns, such as the *It's on Us Campaign*.

Faculty and Staff

Title IX training is not mandatory for faculty and staff. However, new faculty and staff members receive Title IX training during their New Employee Experience orientation. The Title IX coordinator indicated that this training is approximately forty minutes and covers both Title IX and Title VII.

Faculty who participate in the hiring process by serving on Search and Screen Committees²⁰ are required once every three years to take Strategies and Tactics for Recruiting to Increase Diversity and Excellence (STRIDE) training. STRIDE workshops are designed to provide faculty with background information and concrete advice about practices that make searches more successful in attracting diverse, qualified

¹⁸ Available at <https://regulations.fiu.edu/regulation=FIU-106>

¹⁹ Available at <https://everfi.com/offerings/listing/sexual-assault-prevention-undergraduates/>

²⁰ Search and Screen Committees assist the hiring official, who is not part of the Search and Screen Committee, with the search process by screening the applicant pool and recommending potential candidates for hire. The Committees serve as advisory bodies to the hiring officials and make recommendations after screening and considering all qualified candidates.

candidates.²¹ FIU has also developed a Search and Screen Committee Handbook to guide faculty on the search and screen process, including avoiding discrimination and promoting diversity in hiring.²²

Faculty can also participate in voluntary training offered by the Bystander Leadership Program, which is an interactive educational program for all faculty members that is facilitated by senior faculty members. The Bystander Leadership Program training consists of a workshop that explains the concept of implicit bias and demonstrates through role playing how implicit bias manifests in daily interactions. The Program's goals are to provide participants with a five-step process and a toolkit of intervention responses and actions that allow one to notice and intervene in instances of bias. The FIU Advance Team, which operates an ADVANCE grant from NSF and is overseen by the Office to Advance Women, Equity & Diversity and the Center for Women's and Gender Studies offers the training. During her interview on February 20, 2019, the Associate Provost of the Office to Advance Women, Equity, and Diversity, informed OCR that, to date, ten faculty members from CEE had taken Bystander Leadership Program training, and eleven faculty members from ECE had taken the training.

FIU also offers the following non-mandatory training to faculty and staff: FIU Title IX Residential Life Directors and Coordinators, FIU Title IX Athletics training for Professionals, FIU Title IX training for The Leadership Education Advancement Program (LEAP), and FIU Title IX Faculty Mini-Conference. Refresher courses are also made available to all faculty.

Many faculty members whom OCR interviewed stated they did not remember whether they took Title IX training. Most faculty members had a basic understanding of Title IX, but several believed that Title IX also prohibited discrimination based on other protected bases, such as race and national origin. Several faculty members who took Bystander Leadership Program training had the clearest memory of taking anti-discrimination and sexual harassment training and spoke highly of the program. A high-ranking faculty member stated he actively encourages faculty in his department to take Bystander Leadership Program training. Several faculty members also said they took STRIDE training as a result of serving on a Search and Screen Committee.

One high-ranking faculty member indicated he did not remember whether he took Title IX training and stated FIU faculty are less aware of Title IX than faculty at his prior academic institution. As discussed in more detail in the *Academic Environment and Climate* section, several faculty stated they believed faculty would benefit from more Title IX training. Faculty were also largely unaware of whether FIU provided students Title IX training.

ii. FIU's Websites

FIU's website, *Title IX*,²³ contains information on Title IX's protections, the University's nondiscrimination policies, and steps one can take if he or she is a victim of sexual assault. The website articulates the various services and programs that are covered by Title IX, including admissions, financial aid, class assignments and course offerings, discipline, athletics, housing, and employment. The website explains the Title IX Coordinator's role and contains the Title IX Coordinator's contact information, as well as contact information for FIU's two Deputy Title IX Coordinators. The website also provides an overview of the

²¹ Available at <https://advance.fiu.edu/our-programs/stride/index.html>

²² Available at <https://hr.fiu.edu/wp-content/uploads/sites/61/2016/11/SearchScreenHandbookFinal2.pdf>

²³ Available at <https://diversity.fiu.edu/services-view/title-ix/>

Title IX complaint process. The website defines sexual harassment and sexual violence and provides examples of behavior that constitute such. The website also contains FIU's non-retaliation policy.

EOPD's website²⁴ states that the mission of the office is to "maintain an inclusive environment free from discrimination and harassment at [FIU]," and to "ensure equitable treatment of applicants, employees, and students." EOPD lists its services as including investigating complaints of sex discrimination, but the homepage of the website does not state anywhere that the Title IX Coordinator is located within EOPD. When OCR clicked on the discrimination complaint form link that is contained on EOPD's homepage, the landing page stated, "404—page not found."²⁵

FIU's website, *Student Code of Conduct*,²⁶ explains that the Student Code of Conduct is a compilation of policies, regulations, and rights designed to serve the FIU community. The website highlights specific sections of the Student Code of Conduct that may be of particular interest to students, including Section 13, "Title IX Procedures." The website states that violations of the Student Code of Conduct may lead to suspension or dismissal if a "determination of responsibility" is made with regard to certain violations, including but not limited to sexual misconduct. A revised Student Code of Conduct was made effective June 18, 2018.

FIU has several social media campaigns designed to inform students of Title IX, including FIU's *It's on Us Campaign*,²⁷ FIU's *It's on Us* Instagram page,²⁸ and FIU's *Panther's Care* Twitter account.²⁹

In June 2018, FIU's online newspaper, FIU News, featured an article titled, *5 facts you should know about Title IX (and your rights!)*.³⁰ The article noted the forty-sixth anniversary of Title IX and answered five questions about Title IX, including "What is Title IX?", "Why is Title IX important?", "Does Title IX protect only women?", "What kind of support is available for victims of sex discrimination?", and "How do I file a Title IX complaint at FIU?" The article also highlighted the University's Counseling and Psychological Service's Victim Empowerment Program, which offers free confidential assistance to anyone in the FIU community affected by sex discrimination, sexual harassment, and sexual violence.

FIU's Human Resource's website for prospective employees,³¹ contains a heading titled, "Equal Employment," but the heading does not contain any other information and is not linked to a webpage that further explains FIU's nondiscrimination policy.

iii. FIU Applications and Publications

a. FIU's Admissions Application and Websites

The University Graduate School's graduate admission application, which is utilized by CEE and ECE, does not contain or reference FIU's nondiscrimination policy. Nor is FIU's nondiscrimination policy found

²⁴ Available at https://hrapps.fiu.edu/index.php?name=equal_opportunity_programs

²⁵ Available at https://hr.fiu.edu/uploads/file/EOP/Discrimination_Complaint_Processing_Form.pdf (last visited May 20, 2019).

²⁶ Available at <https://studentaffairs.fiu.edu/get-support/student-conduct-and-conflict-resolution/student-code-of-conduct%20/index.php>

²⁷ Available at <https://studentaffairs.fiu.edu/get-support/panthers-care/its-on-us/>

²⁸ Available at <https://instagram.com/itsonusfiu>

²⁹ Available at <http://twitter.com/fiupantherscare>

³⁰ Available at <https://news.fiu.edu/2018/06/5-facts-you-should-know-about-title-ix-and-your-rights/123817>

³¹ Available at <https://hr.fiu.edu/careers/> (last visited on May 22, 2019).

anywhere on FIU's general admission website,³² or FIU's graduate admission website.³³ ECE's admissions website also does not contain or reference FIU's nondiscrimination policy,³⁴ nor does any other part of ECE's general website.³⁵ The same is true of CEE's website.³⁶

b. FIU's Recruitment Literature

Recruitment literature and materials for both CEE and ECE are found on FIU online and on respective graduate program's websites. OCR reviewed recruitment literature submitted by the University, as well as FIU's websites intended to recruit students.

CEE's website does not appear to feature one sex more than the other. On CEE's *News and Announcements* webpage, both sexes appear to be equally represented. CEE's 2017 Annual Report features a balance of males and female students and faculty, but it does not contain FIU's nondiscrimination policy.³⁷

ECE's homepage, on the other hand, features only males in a series of seven slides in a slide show. Furthermore, only males are featured in photos that appear at the top of the following webpages on ECE's website: *Admissions and Prospective Students*, *Faculty*, *Advisors*, *PhD Students*, and *Advisory Board*. Males are also exclusively featured on ECE's webpages for *Course Schedule*, *ECE Graduate Student Scholarship*, and *ECE Graduate Seminar Series*. Consequently, ECE's website might discourage female candidates from applying or give the impression that the Department prefers male candidates.

ECE's annual reports from AY 2014-2015 to AY 2016-2017 more heavily feature male students and faculty, although more females appear in these reports than they do on ECE's website. ECE's other recruitment material provided by the University did not feature students. ECE's poster from 2015 advertising ECE's graduate programs did not contain FIU's nondiscrimination policy, nor did ECE's *Internet of Things* recruitment postcard.

c. Student Code of Conduct and Student Handbook

The Student Code of Conduct³⁸ contains a section dedicated exclusively to "Title IX Procedures," and sets forth in detail FIU's Title IX procedures, as governed by FIU 105. As discussed previously, the Student Code of Conduct can be found online.

The Student Handbook³⁹ does not inform students how to file a Title IX complaint, but it does contain FIU's nondiscrimination policies.

d. Other Brochures

³² Available at <https://admissions.fiu.edu/> (last visited on May 22, 2019).

³³ Available at <https://admissions.fiu.edu/how-to-apply/graduate-applicant/index.html> (last visited on May 22, 2019).

³⁴ Available at <https://ece.fiu.edu/admission1/index.html> (last visited on May 22, 2019).

³⁵ Available at <https://ece.fiu.edu/> (last visited on May 22, 2019).

³⁶ Available at <https://cee.fiu.edu/> (last visited on May 22, 2019).

³⁷ CEE did not provide annual reports for other academic years.

³⁸ Available at https://studentaffairs.fiu.edu/get-support/student-conduct-and-conflict-resolution/student-code-of-conduct%20/_assets/code_of_conduct_booklet-web.pdf

³⁹ Available at https://studentaffairs.fiu.edu/get-involved/campus-life/mmc/_assets/handbook-2018-2019.pdf

FIU offers brochures, targeted at both students and faculty, regarding resources that are available to survivors of sexual assault. The brochure targeted at students, *How to Help a Friend Who has Been Sexually Assaulted*,⁴⁰ is published by the Office of Student Affairs and provides contact information for various on- and off-campus resources. On-campus resources are the Victim Empowerment Program's 24-hour hotline, the Office of Student Conduct and Conflict Resolution, the University Police Department, and FIU's Counseling and Psychological Services. Notably, the Title IX Coordinator's information is not listed as a resource. FIU's brochure targeted toward faculty, *How to Help a Student Who has Been Sexually Assaulted*,⁴¹ also provides a list of on- and off-campus resources for survivors of sexual assault, but FIU's Title IX Coordinator's contact information is not listed.

FIU's Faculty Handbook 2018-2019⁴² generally states the University's nondiscrimination policy and provides the Title IX Coordinator's contact information.

D. Findings

OCR finds that the University has complied with the requirement to designate a Title IX Coordinator and to inform students and faculty of the name, address, and other contact information of the responsible employee. OCR also finds that the University has adopted nondiscrimination policies, including anti-harassment and sexual harassment policies, and has complied with the notification and publication requirements of Title IX.

However, the University is not in compliance with 10 C.F.R. §1042.140(a)-(b), which require that application forms and recruitment materials for students and employees contain (1) Title IX protections, (2) the University's policy of nondiscrimination on the basis of sex, (3) and how to contact the Title IX coordinator, because such information is not included in the University's application form for admission or anywhere on the University's general admissions website or the specific admission websites for CEE and ECE. Nor does FIU provide this information to applicants of employment. In order to comply with DOE regulations and Title IX, FIU must add the above-referenced information to its admission page for students and to its HR page for prospective employees.⁴³ FIU must also add the above-referenced information to its recruitment literature, including any recruitment literature that is used during FIU's international recruitment efforts.

E. Promising Practices

FIU's Bystander Leadership Program is a promising practice, as many faculty cited this training as raising their awareness about sex discrimination and sexual harassment. FIU's STRIDE Program, which is intended to educate faculty who participate in Search and Screen Committees about nondiscrimination laws and best practices for increasing diversity is also a promising practice. Although many faculty could not remember specific instances of taking anti-discrimination or sexual harassment training, those faculty who did, specifically referenced the Bystander Leadership Program and/or the STRIDE Program. OCR

⁴⁰ Available at https://studentaffairs.fiu.edu/health-and-fitness/counseling-and-psychological-services/_assets/how_to_help_a_friend

⁴¹ Available at https://studentaffairs.fiu.edu/get-support/victim-empowerment-program/_assets/faculty_guide

⁴² Available at https://academic.fiu.edu/docs/faculty_handbook.pdf

⁴³ OCR notes that adding a hyperlink of FIU's Title IX website to FIU's admission page and HR page for prospective employees would achieve compliance with Title IX notification requirements for applicants of admission and employment.

emphasizes that these programs are not adequate substitutes for official Title IX training, but they do appear to be effective complements to Title IX training.

F. Recommendations

- To make its Title IX program more robust, FIU should consider making Title IX training mandatory for faculty and staff and institute and enforce appropriate consequences for those who fail to comply. The University should also consider instituting regular refresher Title IX trainings at intervals designed to refresh faculty's and staff's recollection of Title IX requirements and their intuition's implementation of those requirements.
- OCR also suggests revising EOPD's website to clarify that EOPD houses the Title IX Coordinator and to fix the broken link to EOPD's complaint form.
- In light of the Title IX Coordinator's many duties, as well as the delayed processing times of Title IX complaints, as discussed in the section, *Title IX Complaints Filed From AY 2014-2015 to AY 2018-2019*, OCR suggests that FIU analyze whether the University has allocated sufficient resources for Title IX functions, particularly in light of FIU's large student body.
- FIU should consider including the Title IX Coordinator's contact information in any faculty and student literature addressing the topic of sexual harassment and/or assault, particularly when other on- and off-campus resources are listed.
- ECE should consider diversifying its website to include more female students and faculty to avoid giving the impression that the Department is exclusively male, which could potentially have a chilling effect on the recruitment, application, and enrollment of female students.

VIII. FIU's Title IX Grievance Procedures and Pending Title IX Complaints

Recipients are required to adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints that allege actions prohibited by Title IX. 10 C.F.R. Section 1042.135(b).

A. FIU's Title IX Grievance Procedures

In addition to containing FIU's nondiscrimination policy, FIU 105 and FIU 106 also contain the University's grievance procedures for complaints implicating Title IX.

FIU 105

FIU 105 contains the University's procedures for the processing of complaints of discrimination and harassment based on "sex, gender, gender expression, gender identity, or sexual orientation, sexual misconduct, domestic and dating partner violence, and/or stalking" as well as retaliation for making a report of prohibited conduct or participating in an investigation involving an alleged violation. FIU 105 defines the scope of FIU's jurisdiction over such complaints and explains that the preponderance of the evidence standard is used to determine whether a violation occurred. FIU's Title IX grievance procedures are published in the Student Code of Conduct.

A complainant may file a complaint by contacting the Title IX Coordinator, Deputy Title IX Coordinator, a responsible employee, campus security, and/or the University police. Complainants may submit HR's discrimination complaint form⁴⁴ or may file a report through the Office of Student Conduct and Conflict Resolution by completing an online complaint form.⁴⁵

FIU 105 provides notice that responsible employees, defined as any employee who has the authority to take action to address misconduct or has been given the duty of reporting such misconduct, will safeguard an individual's privacy but are required by the University to promptly share all details about a report of prohibited conduct with the Title IX Coordinator. However, a complainant also has the option of filing an anonymous complaint online by using one of three online complaint forms: (1) The Silent Witness Form,⁴⁶ which provides a method to report on an anonymous basis to the FIU police department, (2) the FIU Ethical Panther Line,⁴⁷ which provides a method to report on an anonymous basis to the University Compliance Office, and (3) Incident Reporting Form,⁴⁸ which provides a method to report on an anonymous basis to Student Affairs.

Students may also seek confidential assistance through the Victim Empowerment Program, the Counseling and Psychological Services office, the Student Health Services office, and the Office of Employee Assistance.

Interim Measures

After assessing any risk of harm to the parties, the University may impose appropriate protective measures when necessary to protect the safety and/or emotional wellbeing of the parties or witnesses involved or to provide academic or other appropriate support. Interim protective measures may be afforded to the complainant, the reporting party, the respondent, and/or others involved, as appropriate, and may include the following: arranging for medical or counseling services, imposing a "no trespass order" on University property, rescheduling exams and assignments, providing academic support services, and imposing leave or suspension of the respondent. As the interim protective measures are temporary in nature, the University may amend or withdraw the measures as additional information is gathered. The Title IX Coordinator maintains contact with the parties to ensure that their safety- and/or emotional-wellbeing concerns are reasonably addressed.

Investigation of Reports or Complaints

FIU 105 states that investigations are conducted in a "prompt fashion," and that University officials attempt to complete investigations within a "reasonable period of time" from the filing of the complaint or when the University becomes aware of behavior that may violate FIU 105. The Title IX Coordinator stated during her interview that FIU attempts to resolve Title IX complaints within sixty calendar days.⁴⁹

⁴⁴ Available at https://hr.fiu.edu/wp-content/uploads/sites/61/2016/11/Discrimination_Complaint_Processing_Form.pdf

⁴⁵ Available at <https://cm.maxient.com/reportingform.php?FloridaIntlUniv>

⁴⁶ Available at http://police.fiu.edu/Silent_Witness.php

⁴⁷ Available at www.convercent.com/report or by calling 1-844-312-5358

⁴⁸ Available at <https://publicdocs.maxient.com/incidentreport.php?FloridaIntlUniv>

⁴⁹ Whether FIU adheres to this timeline is address in the section, *Title IX Complaints Filed From AY 2014-2015 to AY 2018-2019*.

Student Respondents

If the respondent is a student, the Director of Student Conduct and Conflict Resolution (SCCR), who has been designated by the Title IX Coordinator to serve as a Deputy Title IX Coordinator, will oversee the matter in accordance with the Student Code of Conduct, codified at FIU Regulation 2501, which prohibits, among other things, dating or domestic partner violence, personal abuse (including conduct that is based on sex), sexual misconduct (including non-consensual touching, obscene or indecent behavior, sexual harassment, gender-based harassment, sexual coercion, sexual assault, and sexual battery), and stalking.⁵⁰ The Student Code of Conduct sets forth the specific procedures for Title IX complaints, which the University defines as complaints based on dating or domestic partner violence, retaliation, sexual misconduct, and stalking. Notably, the Student Code of Conduct does not include personal abuse based on sex in the definition of a Title IX complaint.

If the SCCR Director determines that an investigation is necessary, a fact finding will occur prior to a hearing, and no additional documents or testimony will be presented at the hearing. Prior to an initial investigation meeting, the SCCR Director sends the charged student and complainant a written notice about the allegations constituting a potential violation of the Student Code of Conduct. During the investigation, the investigator seeks to meet separately with the complainant, the charged student, and any witnesses. Upon conclusion of the investigation, the investigator prepares a written report summarizing the relevant information, and the parties have a chance to review the report before it becomes final.

The Student Code of Conduct sets forth the specific due process rights of the complainant and the charged student, as well as detailed hearing procedures. During the hearing, a hearing officer presides over a student conduct committee and makes all procedural decisions. The student conduct committee makes a recommendation to the hearing officer, who may adopt, modify, or reject the findings and sanctions, or remand for a rehearing. Within fourteen business days of the hearing, a decision letter is sent to the charged student and the complainant, and both parties may submit a written appeal within seven days of the parties' receipt of the decision letter. The appellate decision is issued in writing to the charged student and the complainant within twenty-one business days of receipt of the written request for appeal, unless additional time is necessary. If a finding of prohibited conduct results, eleven general sanctions are available, ranging from written reprimand to expulsion. Five sanctions are available to student organization, and there are four possible housing sanctions.

The President of FIU will notify the SCCR director within three business days of the disciplinary outcome if he or she wishes to review the disciplinary matter. If this review occurs, any other appeal process will immediately cease. The charged student and the complaint receive notice no later than one business day after the President notifies SCCR of such review. The President shall issue a written decision to the parties within fourteen business days of notification of a disciplinary outcome; decisions involving hazing and sexual misconduct will include an explanation for the decision and any sanctions.

⁵⁰ FIU 105 incorporates FIU Regulation 2501 by reference, but does not explicitly set forth the content of such.

Employee Respondents

If the respondent is an employee, the Title IX Coordinator oversees the processing of the complaint. If the Title IX coordinator determines that an investigation is necessary, he or she sends written notice of such to the complainant and the respondent, outlining the allegations that potentially violate FIU 105. The Title IX Coordinator then selects a trained investigator to gather sufficient evidence to reach a fair, impartial determination as to whether a violation of FIU 105 has occurred. The investigator gathers relevant evidence and seeks to meet separately with the complainant, the respondent, and any witnesses.

Upon completion of the investigation, FIU prepares a report that includes a summary of the complaint, a description of the investigation, findings of fact, and a determination as to whether a violation of FIU 105 is substantiated or unsubstantiated by a preponderance of the evidence. The final investigation report is issued to the complainant, the respondent, the Director of Employee and Labor Relations and/or the Division of Academic Affairs. The appropriate office determines what actions, if any, may be necessary. No decision about discipline is taken until the time for filing an appeal has elapsed or the appeals process is concluded.

Either party may file a written appeal within seven business days of the receipt of the investigative report. The opposing party may file a response to the appeal within seven business days of the receipt of the appeal. The Vice President for Human Resources, or a designee, shall issue a written finding within seven business days of the receipt of the appeal, or a response of the appeal, whichever is later.

After the completion of the appeal process, the Director of Employee Labor and Relations Department/and or the Division of Academic Affairs (if faculty is involved) make a recommendation to the respondent's supervisor as to whether the respondent should be subject to any disciplinary action.

If the respondent is a student and holds a position at the University, the Title IX Coordinator and the Director of SCCR determine which office will have primary oversight over the matter.

FIU 106

FIU 106 also covers complaints based on sex discrimination and/or harassment. Such complaints must be made in writing to the EOPD and shall contain the name of the complainant and state the nature of the acts complained of, including the name of the alleged offender, the dates of the offending acts, the names of witnesses, and the desired resolution. The complaint must be made within three hundred calendar days of the alleged acts of discrimination. EOPD shall investigate the formal complaint and prepare a report that includes a summary of the complaint, a description of the investigation, and EOPD's findings and recommendations. EOPD may pursue an administrative complaint in instances where a potential complainant is unable or unwilling to pursue a complaint of discrimination. In such cases, EOPD follows the same complaint procedures set forth in FIU 106, except that no complainant is named.

Under FIU 106, EOPD may attempt conciliation during the course of an investigation of a complaint. If conciliation is not achieved, EOPD shall continue to investigate the complaint. EOPD shares the final investigative report with complainant, the alleged offender, the immediate supervisor of the alleged offender, and the Vice President for Human Resources or a designee.

EOPD attempts to complete its investigation and recommendations within sixty calendar days the filing of a formal complaint.

Under FIU 106, either party may appeal EOPD's finding to the Vice President for Human Resources. The opposing party may file a response to the appeal within seven business days of receipt of the appeal. If the Vice President for Human Resources accepts a written finding in favor of the complainant, the Office of Employee and Labor Relations, along with the immediate supervisor of the alleged offender, shall provide a reasonable resolution to the complaint and may also recommend disciplinary action against the alleged offender. EOPD must approve the proposed resolution.

B. Title IX Complaints Filed From AY 2014-2015 to AY 2018-2019

From FY 2014-2015 to FY 2018-2019, FIU received forty-five Title IX complaints against FIU employees, thirty-seven of which were based sexual harassment cases. The remaining cases were based on gender discrimination. Fifteen claims were substantiated and the remaining claims were either unsubstantiated or there was no finding. During this time, no Title IX cases were filed against faculty or staff from CEE or ECE. The average amount of time it took FIU to reach a finding from the filing of the complaint was 81 days.⁵¹ As of March 2019, FIU currently has four open cases filed against FIU employees.

From FY 2014-2015 to FY 2018-2019, FIU received 124 Title IX complaints against FIU students, the majority of which involved some form of sexual misconduct. Seventy-five complaints were substantiated, and fourteen cases are "pending sanction completion," the oldest of which was filed on April 26, 2015. During the relevant timeframe, two complaints, both of which were substantiated, occurred in the FIU College of Engineering and Computing building. The average time a student waited from the date of filing a complaint until the beginning of his or her hearing was 71 days. The average amount of time it took FIU to close a case after a complaint was filed was 121 days.⁵² As of May 2019, FIU currently has two open cases filed against FIU students.

OCR notes that FIU's complaint-processing time for complaints against students fails to meet FIU regulations and the Title IX Coordinator's stated goal of resolving cases within sixty days. However, FIU's complaint-processing time for complaints against students has improved over time. For instance, from AY 2014-2015 to AY 2015-2016, the average time it took FIU to investigate a complaint and conduct a hearing was 124 days, and the average total amount of time it took FIU to close a case after a complaint was reported was 195 days. From AY 2016-2017 to AY 2018-2019, the average amount of time it took FIU to investigate a complaint and conduct a hearing was 50 days, and the average total amount of time it took FIU to close a case after a complaint was reported was 91 days.

C. Findings

OCR finds that the University has complied with the requirement to adopt and publish Title IX grievance procedures that provide for the prompt and equitable resolution of student and employee complaints that allege actions prohibited by Title IX.

⁵¹ For the sake of providing an accurate average, OCR excluded one case that took FIU 339 days to resolve, as this case was an outlier. OCR also notes that four cases were appealed during the relevant timeframe, which may have contributed to increased processing time.

⁵² OCR excluded cases that were open or pending sanction completion. If these cases had been counted, complaint-processing times would have been even lengthier.

D. Recommendations

- FIU should consider evaluating whether the following language in FIU 106 has a chilling effect on the filing of complaints: “In the event that a claim of discrimination is found to be frivolous or malicious, appropriate University sanctions shall be taken against the complainant, including disciplinary action where appropriate. Disciplinary action against students shall be taken in accordance with the University’s Student Code of Conduct.”
- FIU should consider revising the Student Code of Conduct to clarify that “personal abuse based on sex” is a type of complaint covered by Title IX.
- OCR encourages FIU to clarify that a sex discrimination claim arising under FIU 106 may also implicate Title IX, and does not only implicate Title VII, as the title of FIU 106 suggests.
- OCR encourages FIU to continue working toward meeting its stated goal of resolving Title IX complaints within sixty days. OCR advises FIU to evaluate the cause for significant delays in complaint-processing of complaints against students from AY 2014-2015 to AY 2015-2016 so that it may avoid similar delays in the future.
- OCR suggests that the University work expeditiously to enforce sanctions imposed in fourteen cases in which the charged student was found responsible but sanction completion is pending.

IX. Leave of Absence, Readmission, and Parental Leave Policies and Procedures

DOE’s Title IX implementing regulations state that “no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient of Federal financial assistance.” 10 C.F.R. §1042.400. Consistent with this provision, OCR evaluated the University’s leave of absence, readmission, and parental leave policies, to determine whether any aspect of these policies had the effect of denying benefits to, discriminating against, and/or excluding students from participating in CEE and ECE programs.

A. General Leave of Absence Policies

CEE and ECE follow the standard leave of absence policy of the University Graduate School.⁵³ Under UGS’s policy, students who require an excused absence in a graduate program for three consecutive terms, or one term in the case of students subject to continuous enrollment, must formally request a leave of absence from the graduate program. Students must request leave prior to the beginning of the anticipated period of leave. The program director or chairperson of the department, the dean of the appropriate school or college, and the Dean of UGS must approve the student’s leave time. Leave is generally granted in cases involving personal hardship or family need. Academic standing is not considered a reason for granting a leave of absence.

⁵³ Available at <https://policies.fiu.edu/policy/771>

FIU's leave of absence policy for graduate students is published in the Student Handbook, which is provided to all incoming students.⁵⁴ Students are also made aware of FIU's policies, including the leave of absence policy, via the graduate catalog and during mandatory orientation. The Student Handbook states that leaves of absences are requested using the Petition for Exception to Graduate Requirements, and the petition must be initiated by the student's academic program. The Handbook states that leaves of absence must be clearly justified and are approved on a case-by-case basis.

In the Engineering Department, Master's students who have an approved research proposal and PhD students who have advanced to candidacy are subject to continuous enrollment. Therefore, such graduate students in CEE and ECE who require an excused absence must submit a formal request for a leave of absence.

The vast majority of graduate students whom OCR interviewed did not know FIU's leave policy for graduate students. Several students stated they believed they could not take leave or were afraid to do so. Most of the faculty were also not aware of the specific leave policy for graduate students.

B. Readmission Policy

The Engineering Departments follow the standard readmission policy of the UGS.⁵⁵ Graduate students may be dismissed under three circumstances: (1) failure to maintain a GPA of at least 3.0 while the graduate student is on probation, (2) failure to make satisfactory progress toward degree completion or failure to complete all requirements for a graduate degree within the time limits for degree completion,⁵⁶ and (3) failure to comply with the continuous enrollment policy for doctoral students who have advanced to candidacy or Master's students with an approved research proposal.

If a graduate student is dismissed, he or she may apply for readmission after a period of at least one academic year has elapsed from the date of dismissal. A graduate student who has been dismissed from a graduate program for failure to maintain a 3.0 GPA may reapply to the same program or any other graduate program at FIU under the program requirements and policies in force at the time of reapplication. A graduate student who has been dismissed for failure to make progress toward degree completion or for non-compliance with the continuous enrollment policy may submit an application for readmission at any time prior to the time limit for degree completion.

C. Parental Leave Policies

FIU's non-bargaining unit faculty and staff may be granted twenty-four weeks of non-paid maternity/paternity leave, which is designated as twelve weeks of leave under the Family Medical Leave Act (for eligible employees), and twelve weeks under FIU's maternity/paternity non-FMLA leave policy. Bargaining unit faculty's and staff's leave is set forth in the collective bargaining unit agreement, which OCR did not request or review.

The Engineering Department does not have specific parental leave policies and procedures for graduate students. Graduate students who wish to take parental leave may request a leave of absence or medical

⁵⁴ FIU's leave of absence policy may also be found online, at <https://policies.fiu.edu/files/771.pdf>

⁵⁵ Available at <https://policies.fiu.edu/files/758.pdf>

⁵⁶ As stated previously, CEE's time limits for degree completion are six years for Master's students and seven years for PhD students. ECE's time limits for degree completion are five years for Master's students and seven years for PhD students.

withdrawal. Graduate students who request a leave of absence due to pregnancy or childbirth may request the leave of absence prior to the start of the term during which they will not be registered. The medical withdrawal process allows graduate students to withdraw from their classes after registration is closed based on medical issues, death of immediate family member, military duties, or any other circumstance beyond students' control.

Faculty may also "stop the clock," during one's leave of absence. At least one faculty member whom OCR interviewed was eligible to stop the clock after the birth of her child, but she chose not to do so.

D. Finding

OCR finds that the University's leave of absence, readmission, and parental leave policies comply with Title IX and DOE's Title IX implementing regulations. However, students and faculty had limited awareness of FIU's leave of absence policy. FIU may also need to clarify its readmission policy. Therefore, OCR makes the following recommendations.

E. Recommendations

- The University should consider increasing both students' and faculty's awareness of FIU's leave of absence policies.
- OCR notes that many competitive universities have started offering parental leave to graduate students. FIU may want to considering doing the same to attract qualified female graduate students, particularly in light of the disparities among males and females that OCR has noted in CEE's and ECE's graduate application and admission rates.
- FIU should consider clarifying its readmission policy to indicate that a student taking a leave of absence based on pregnancy, childbirth, false pregnancy, termination of pregnancy, and/or recovery therefrom, and whose absence is supported by the student's physician, will not be subject to FIU's readmission policy related to graduation time limits and continuous enrollment if the student fails to graduate within the graduate program's time limit or fails to maintain continuous enrollment due to the student's medically supported leave of absence. Otherwise, subjecting such students to readmission may violate Title IX.⁵⁷

⁵⁷ As FIU is likely aware, Title IX prohibits discrimination based on pregnancy, childbirth, termination of pregnancy, or recovery therefrom, 10 C.F.R. § 1042.300(c)(2). Moreover, Title IX states that:

In the case of a recipient that does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom as a justification for a leave of absence for as long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be *reinstated to the status that she held when the leave began*.

Id. (emphasis added).

X. Academic Environment and Climate: Perception of Gender Bias, Campus Safety, and Family Friendly Initiatives

DOE's Title IX implementing regulations state that "no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient of Federal financial assistance." 10 C.F.R. §1042.400. Consistent with this provision, OCR evaluated the academic climate within CEE and ECE, as well as campus safety, gender bias and sexual harassment, and availability of child care and lactation rooms, to determine whether either of these aspects had the effect of denying benefits to, discriminating against, and/or excluding students from participating in CEE and ECE programs.

A. Perceptions of Gender Bias

Students

No students whom OCR interviewed had filed a complaint of sex discrimination. Moreover, all students interviewed stated that neither they nor their peers faced barriers at FIU based on their sex or gender. Generally, students believed that their gender did not affect their experiences in the classroom. However, a few students raised issues potentially implicating Title IX. One student stated she avoided having a particular male professor serve as her advisor because he had previously been condescending to her in class, and he had a reputation for not selecting female students for his lab. Another female student stated that the dearth of female faculty in ECE was demoralizing. Several students stated they believed that the faculty in their departments would benefit from Title IX training.

Faculty

Of the seventeen faculty members interviewed (seven males, ten females), all seven males were tenured, while only three female faculty of CEE were tenured.⁵⁸ No ECE female faculty interviewed had tenure. While most faculty stated the tenure process was transparent and fair, two female faculty stated the process could be more transparent and clearly communicated to new faculty. Several male and female faculty stated mentoring of new faculty could also be improved.

The majority of faculty interviewed stated they did not believe they faced barriers based on their sex or gender. However, a few female faculty noted that their male colleagues did not treat them equally. For instance, two female faculty believed that male colleagues did not believe female faculty were as capable as males. These female faculty also observed that female faculty were more frequently assigned administrative tasks, such as taking meeting minutes during faculty meetings. Several male and female faculty in both CEE and ECE stated faculty would benefit from more Title IX training.

Several professors stated they were required to take STRIDE training when they participated on a hiring committee. At least one professor observed that the Search and Screen Committees' efforts do not result

⁵⁸ Title IX covers the faculty hiring process. Although the faculty hiring process was not within the scope of this compliance review, the University may wish to evaluate whether any gender-related barriers exist in the faculty hiring process for the ECE and CEE Departments.

in the hiring of more female faculty, as Department Chairs have more control over the hiring process and selections.

B. Campus Safety

Most students stated they felt safe on campus and in the labs. However, five female students (four enrolled in CEE and one enrolled in ECE) either stated they did not feel safe in labs outside normal hours or that they wanted more security on campus. The Chair of the Civil and Environmental Engineering Department indicated that CEE's lab has many heavy pieces, and a lab technician's presence is required to use the lab. The Chair explained that about a year-and-a-half ago, a student was injured in the lab because the technician was not present, and the lab closed for two months. The Chair stated the labs are now much safer, but he did not indicate what measures FIU took to improve lab safety.

C. Family Friendly Initiatives

i. Childcare

FIU's Children's Creative Learning Center (CCLC), which is a department within Student Affairs, is available to all FIU undergraduate students taking a minimum of 9 credit hours per semester, and graduate students taking a minimum of 6 credit hours per semester. The CCLC is a State Educational Research Center for Child Development.

Children between the ages of two and five are eligible to attend CCLC. Children of FIU full-time students receive first priority, then FIU staff and faculty, followed by FIU alumni, and lastly the non-FIU community.

Of the forty students interviewed, seven were aware that FIU offered childcare services.

ii. Lactation rooms

FIU has a student body population of 54,000, and a student-to-faculty ratio of 25:1. Thus, it is likely that more than 56,000 people are on FIU's campus daily. However, FIU only has two permanent lactation rooms on campus. One lactation room is located on FIU's main campus and has three private sections with curtains for nursing mothers to express, as well as a table, a sink with soap and paper towels, and a counter. To reserve the lactation room, a nursing mother must send an email request to Human Resources. To ensure privacy, only nursing mothers are allowed in the room. Information about this lactation rooms is available on FIU's website.⁵⁹

The other lactation room is located within FIU's Herbert Wertheim College of Medicine (COM) and may be utilized by all students, faculty, staff, and visitors. Those needing access to the lactation room may contact one of two people to retrieve a key. The lactation room is equipped with a small refrigerator, a sink with soap and paper towels, a table, counter, a window, and two private sections with chairs and curtains so nursing mothers can lactate privately. Information about this lactation room is available FIU's website.⁶⁰

⁵⁹ Available at <https://hr.fiu.edu/employees-affiliates/assistance-wellness/>

⁶⁰ Available at <https://medicine.fiu.edu/about/administrative-offices/women-in-medicine-and-science/resources/index.html>

The Engineering Department is currently using an office to serve as a temporary lactation room for students, faculty, staff, and visitors. The room currently does not have a sink or table and cannot accommodate more than one mother, as there are no partitions for privacy. The University states it is in the process of making plans to update the space to include a sink, table, electrical outlet, and chairs. Currently, information about the Engineering Department's temporary lactation room is not available on the Department's website, or any other FIU website.

Only one student out of the forty interviewed was aware that FIU's campus had permanent lactation rooms. In fact, one student believed that FIU's lactation rooms were located in bathrooms. One faculty member stated that after she returned to work after having a child, she did not initially have access to a private space to pump.

D. Finding

OCR finds that CEE's and ECE's academic environment and climate, including perceptions of gender bias and campus safety, and family friendly initiatives are in compliance with Title IX and DOE Title IX implementing regulations. While OCR found no direct evidence of discrimination on the basis of sex with respect to CEE's and ECE's academic climate and environment, OCR notes that several female faculty raised concerns regarding potential gender bias. Moreover, OCR notes the dearth of lactation rooms in the Engineering Department and the University generally. At least one female faculty member stated she initially did not have a space to pump after returning to work after childbirth, which could have resulted in a violation of Title IX. Accordingly, OCR makes the following recommendations.

E. Recommendations

- In light of the issues concerning potential gender bias raised by female faculty, OCR reiterates its strong recommendation for mandatory Title IX training for faculty and staff.
- FIU should consider strengthening mentoring of junior faculty as a means of assisting such faculty toward achieving tenure.
- FIU should consider establishing a permanent lactation room in the College of Engineering and Computing, particularly in light of the fact that at least one female faculty member whom OCR interviewed stated she had difficulty finding a place to pump when she returned to work after childbirth.
- OCR also suggests that FIU consider increasing the number of permanent lactation rooms and more publically inform the FIU community about the availability of the rooms. For instance, campuses of similar size, such as the University of Arizona (approximately 45,000 students) and Ohio State University (approximately 60,000 students) have, respectively, between twenty and thirty lactation rooms available, and each university has standalone, lactation room webpages that provide the location of the rooms.⁶¹ OCR also recommends that the University better advertise the availability of lactation rooms, even if the University perceives that demand for lactation rooms is low. Women returning to

⁶¹ See *Family Resource Map*, University of Arizona, available at https://lifework.arizona.edu/cc/family_resource_map; see also *Nursing Mother/Lactation Rooms*, Ohio State University, available at <https://hr.osu.edu/life-events/birth-adoption/lactation-rooms/>. OCR notes that it has not conducted a compliance review of these institutions and reaches no official conclusions regarding their family-friendly policies.

graduate programs or work after childbirth may be hesitant to request lactation rooms, therefore, if rooms are available and publically advertised, the University will likely see an increase in the rooms' usage. Moreover, building public knowledge of the availability of lactation rooms at FIU sends a strong message that mothers are supported on campus. This is particularly important given FIU's overall gender distribution on campus of 57 percent female students and 43 percent male students.

- FIU should consider clearly and promptly informing engineering students of any safety resources available on the Engineering Department's campus.

XI. Other Initiatives and Promising Practices

In addition to FIU's Bystander Leadership Program and STRIDE Program, which are both promising practices, FIU has engaged in the promising practices below.

A. STEM Transformation Institute

FIU attempts to improve K-12 education in STEM through the STEM Transformation Institute. However, OCR does not possess sufficient information regarding the Institute and the Institute's program participants to evaluate whether such a program is a promising practice.

B. Self-Evaluations by FIU's Title IX Committee and Title IX Athletics Committee

The University-Wide Title IX Committee and the Title IX Athletics Committee assist the University Title IX Coordinator with respect to the University's Title IX compliance efforts and provide the University with advice on promoting a campus culture of respect and responsibility and in identifying effective measures to prevent and address sexual misconduct. The Committees began conducting self-evaluations in 2017 and 2018. These committees are comprised of a diverse group of male and female FIU employees.

During the fall 2017, FIU hired a contractor to conduct a periodic review of the athletic department's compliance with Title IX. FIU's Title IX Committee shadowed the contractor during its review to prepare for an internal Title IX review that the Committee will complete by August 2019.

XII. Findings, Recommendations, and Final Conclusions

A. Findings

OCR finds that the University and the ECE Department have met the basic requirements of Title IX and DOE Title IX implementing regulations as follows:

1. CEE's and ECE's recruitment and outreach efforts comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations.
2. CEE's and ECE's admission process and policies comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations.
3. CEE's and ECE's graduate degree completion requirements comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations.
4. CEE's and ECE's financial assistance programs comply with the nondiscrimination requirements of Title IX and DOE's Title IX implementing regulations.

5. The University has complied with the requirement to designate a Title IX Coordinator and to inform students and faculty of the name, address, and other contact information of the responsible employee.
6. The University has complied with the requirement to adopt and publish Title IX grievance procedures that provide for the prompt and equitable resolution of student and employee complaints that allege actions prohibited by Title IX.
7. The University's leave of absence, readmission, and parental leave policies comply with Title IX and DOE's Title IX implementing regulations.
8. CEE's and ECE's academic environment and climate, including perceptions of gender bias and campus safety, and family friendly initiatives are in compliance with Title IX and DOE Title IX implementing regulations.

B. Preliminary Non-Compliance

In a draft Title IX report issued by OCR, OCR found that the University failed to satisfy the following requirement of Title IX and DOE implementing regulations:

1. The University has failed to satisfy the requirement to prominently include a statement of its policy of nondiscrimination on the basis of sex in announcements, catalogs, application forms, and recruitment materials.

On August 14, 2019, FIU submitted credible evidence that it has corrected the above-referenced preliminary non-compliance. Therefore, the preliminary non-compliance is now considered resolved.

C. Recommendations

Based on interviews, data collected, and observations made during the compliance review, OCR made the following recommendations to the University in its initial draft report:

1. CEE and ECE should consider tracking the gender of the students who participate in their recruitment programs to ensure that there are no gender-related barriers in their domestic or international recruitment efforts. CEE and ECE should also consider ensuring that their recruiting and pipeline agreements with international universities include a provision that the sex of students who participate in such programs will be tracked.
2. CEE should consider developing more concrete methods for achieving its goal of increasing recruitment of female applicants, such as identifying specific conferences or events at which CEE could make significant efforts toward recruiting female applicants.
3. ECE might consider developing a strategic plan, similar to CEE's, that contains a concrete action plan to increase female applicants.
4. CEE and ECE should consider evaluating whether any gender-related barriers exist in their admissions and enrollment processes.
5. ECE should consider promptly evaluating why females enroll in the Master's program at lower rates than they are admitted, such as evaluating how females are treated once admitted to ECE's graduate program.
6. CEE and ECE should consider evaluating why fewer females are receiving financial assistance to ensure that there are no gender-related barriers facing females in the University's financial assistance programs.

7. OCR suggests that FIU make initial and refresher Title IX training mandatory for faculty and staff and institute and enforce appropriate consequences for those who fail to comply.
8. FIU should consider revising EOPD's website to clarify that EOPD houses the Title IX Coordinator and to fix the broken link to EOPD's complaint form.
9. OCR suggests that FIU analyze whether the University has allocated sufficient resources for Title IX functions, particularly in light of FIU's large student body.
10. FIU should consider including the Title IX Coordinator's contact information in any faculty and student literature addressing the topic of sexual harassment and/or assault, particularly when other on- and off-campus resources are listed.
11. ECE should consider diversifying its website to include more female students and faculty so that it does not discourage female candidates from applying or give the impression that the Department prefers male candidates. Otherwise, this could potentially have a chilling effect of the recruitment, application, and enrollment of female students.
12. FIU should consider evaluating whether the following language in FIU 106 has a chilling effect on the filing of complaints: "In the event that a claim of discrimination is found to be frivolous or malicious, appropriate University sanctions shall be taken against the complainant, including disciplinary action where appropriate. Disciplinary action against students shall be taken in accordance with the University's Student Code of Conduct."
13. FIU should consider revising the Student Code of Conduct to clarify that "personal abuse based on sex" is a type of complaint covered by Title IX.
14. OCR encourages FIU to clarify that a sex discrimination claim arising under FIU 106 may also implicate Title IX, and does not only implicate Title VII, as the title of FIU 106 suggests.
15. OCR encourages FIU to continue working toward meeting its stated goal of resolving Title IX complaints within sixty days. OCR advises FIU to evaluate the cause for significant delays in complaint-processing of complaints against students from AY 2014-2015 to AY 2016-2017 so that it may avoid similar delays in the future.
16. OCR suggests that the University work expeditiously to enforce sanctions imposed in fourteen cases in which the charged student was found responsible but in which sanction completion is pending.
17. The University should consider increasing both students' and faculty's awareness of FIU's leave of absence policies.
18. To the extent feasible, FIU may want to consider offering parental leave to graduate students to attract qualified female graduate students, particularly in light of the disparities among males and females that OCR has noted in CEE's and ECE's graduate application and admission rates.
19. FIU should consider clarifying in its readmission policy that students taking a leave of absence based on pregnancy, childbirth, false pregnancy, termination of pregnancy, and/or recovery therefrom, and whose absence is supported by the student's physician, shall be exempted from FIU's readmission policy based on failure to graduate within the graduate program's time limit or for failure to maintain continuous enrollment. Otherwise, subjecting such students to readmission may violate Title IX.

20. FIU should consider strengthening mentoring of junior faculty as a means of assisting such faculty toward achieving tenure.

21. FIU should consider establishing a permanent lactation room in the College of Engineering and Computing, particularly in light of the fact that the building is separated from main campus and at least one female faculty member whom OCR interviewed stated she had difficulty finding a place to pump when she returned to work after childbirth.

22. FIU should consider increasing the number of permanent lactation rooms across its general campus and more publically inform the FIU community about the availability of the rooms.

23. FIU should consider clearly and promptly informing engineering students of any safety resources available on the Engineering Department's campus.

On September 19, 2019, FIU submitted a detailed response to OCR's recommendations in which the University set forth the steps it has taken to either implement or seriously consider implementing OCR's recommendations. OCR commends FIU for taking deliberate action regarding OCR's recommendations.

D. Final Conclusions

FIU sufficiently corrected the one above-referenced preliminary non-compliance. FIU has also implemented the majority of OCR's recommendations or taken serious steps toward implementing or considering implementing the remaining recommendations.

OCR commends FIU for promptly correcting its preliminary non-compliance, as well as for its thoughtful and expedient implementation, and consideration of, OCR's recommendations.